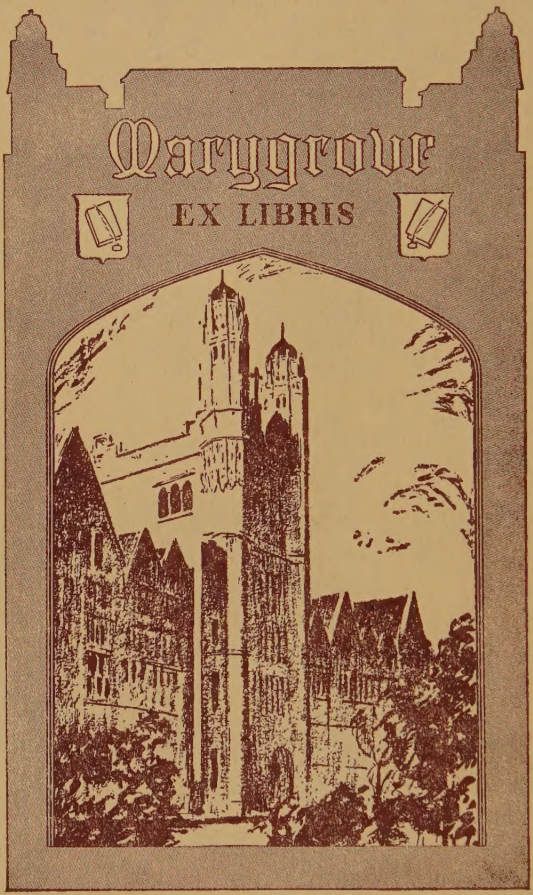
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A HISTORY OF TEXAS

Volume One

STEPHEN FULLER AUSTIN

The Father of Texas

A HISTORY OF TEXAS

FROM WILDERNESS TO COMMONWEALTH

BY
LOUIS J. WORTHAM, LL. D.

IN FIVE VOLUMES
VOLUME ONE

1924
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TO MY BELOVED WIFE

FRU BECTON WORTHAM,

whose faith and encouragement kept alive an ambition,
born years ago when, as a government servant, I
camped under the stars along the Rio Grande,
this work, in some measure a realization
of that ambition, is, in grateful
r e m e m b r a n c e,

DEDICATED.

PREFACE

I have tried in this work to tell the story of the conversion of Texas from a wilderness into a commonwealth in such a manner as to insure that it would be read with enjoyment and at the same time impart to the reader a comprehensive knowledge of the history of my native state.

To what degree I have succeeded in this, the reader must judge. I think I may say, with due modesty, that I have not altogether failed. In any event I have done my best and have no excuse to offer if I have not achieved completely the ideal I set before myself. I have been more concerned with presenting a readable narrative for the general reader than with making a "contribution" to historical literature. The work, therefore, makes no pretension to profound scholarship, and I have sought studiously to avoid giving even the suggestion of such pretension. However, I do not mean to say by this that it does not represent careful and thorough research. I think the general lines of the story, as it is unfolded in these pages, are those which the ripest scholarship must approve.

In order to avoid elaborate footnotes, references and other devices, which the average man seldom reads, I have said all I had to say in the running narrative of the text. I anticipate no criticism from the general reader on this score and, as the method was deliberately chosen, I am prepared to accept whatever consequent

that of Austin. Such a course not only would have been a misrepresentation of history, but would have shown a very poor appreciation of Austin's greatness and of the true character of his work.

It would not be possible for me to acknowledge formally every debt I owe to other men and women in the preparation of this work. The list would include very nearly everyone who has worked in this field of research. However, there are some to whom the debt is so great that formal acknowledgement is a duty. First of all, let me say that without the assistance of my colleague, Peter Molyneaux, this work would have been impossible. I had been planning a history of Texas and gathering material to that end for years, but the arduous duties of publishing and editing a newspaper gave me little time to devote to the work of whipping it into shape. When I finally set about the task, an affliction of the eyes for a time proved an almost insurmountable obstacle, and had it not been for the encouragement and the assistance given by Mr. Molyneaux I fear I should have been compelled to abandon it. His assistance has been such as to amount practically to collaboration, and I am keenly conscious of the fact that I am indebted to him above all others.

In the very nature of things I am indebted to men who have made special periods of the history of Texas a life-study. No man can write about Texas, especially of the period covering Stephen F. Austin's activities, without becoming indebted to Dr. Eugene C. Barker of the University of Texas, for example. The papers he has published from time to time in various historical journals, and especially in *The Southwestern Historical*

Quarterly, of which he is editor, have been usually the last word on the particular subject he has discussed in each, and while I would not shift the responsibility for my own errors, if such there should be, to the shoulders of any other man, I must say that I have not hesitated, in most cases, to accept his decisions on disputed points as final. What I have said here of Dr. Barker would be equally true of Dr. Herbert E. Bolton in relation to the Spanish period of Texas were it not for the fact that I have used that period chiefly as background. He has made that field his own quite as truly as Dr. Barker has preempted the Anglo-American colonial period, and to the extent that I have recorded the Spanish history of Texas I am indebted to him. My debt to George Lockhart Rives, however, is quite as great as that I owe Dr. Barker. His work, *The United States and Mexico, 1821-1848*, is monumental. It is not only the most exhaustive study of the relations between the United States and Mexico from the Treaty of 1819 to the end of the Mexican war, but it is one of the best works of its kind dealing with any period of American history.

For more than twenty-five years the Texas Historical association has been fostering research and the collection of data with respect to the history of Texas and publishing the results in *The Southwestern Historical Quarterly*. Directly and indirectly my debt to the work of this association and to a host of men and women who have published articles in the quarterly is very great indeed. I am indebted also, as any writer on the career of Stephen F. Austin must be, to the work of the late Guy M. Bryan, Austin's nephew, who carefully preserved every scrap of paper relating to his uncle and

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patiently collected the recollections of contemporaries about him. In this connection I would acknowledge the value of the work known as *A Comprehensive History of Texas*, edited by Dudley G. Wooten, and to which Colonel Bryan was a contributor. The work of E. W. Winkler in certain fields has been helpful, and there are numerous other men and women whose articles have been of assistance and whose names I should like to mention. But I must bring the list to a close.

Before doing so, however, I must add the name of a man who figures in my narrative, for he was a prominent actor in the Texas revolution, and who, like myself, cherished for years the ambition to publish a history of Texas. I mean Francis W. Johnson, who, after Ben Milam was killed, took full command of the Texas forces and won the battle of San Antonio, the most hotly contested battle of the revolution, and who spent much of his later life preparing the manuscript of a history of the events in which he participated. Johnson's manuscript passed through many hands after his death, and some of it was lost in the process. It was finally published, though not under favorable circumstances, and his material was thus made available. Many of the documents embodied in my text were first collected by Johnson, and some of them would have been lost entirely but for the fact that he preserved them. Johnson's association with the unfortunate Matamoros expedition tended to obscure his services to Texas. His services were very great, nevertheless, and his name deserves to be honored above those of many others who are better known.

Finally, I am indebted to the Carnegie Public Library

of Fort Worth for the hearty cooperation it has given me during a long period of time in the labor of gathering much of the material for this work.

Having thus attempted to acknowledge my debt to others in the preparation of my manuscript, I hasten to thank all those who have cooperated with me in its publication. My ambition has been not only to write a history of my native state, but also to have it published in Texas. I soon found that in order to do this I should be compelled to organize a publishing company myself, and that if the venture was to be insured against the risk of great loss the cooperation of a large number of patriotic Texans must be obtained. This first edition of the work is the result of such cooperation, and I want every man who subscribed for it in advance, and thus assisted in underwriting the edition, to feel that he has played an important part in making the publication of this history possible.

In organizing and financing the publishing company, for which a considerable amount of capital was required, a number of patriotic Texans associated themselves with me. I feel that I must express my appreciation of the cooperation of these gentlemen, for without it I should not have been able to put the enterprise over. The motive which prompted it was in every case patriotic, for ventures of this kind are notoriously hazardous. I am particularly indebted, in this connection, to John Henry Kirby of Houston, who has interested himself in the enterprise enthusiastically from the first. The other gentlemen who have associated themselves with me in the company are L. H. McKee, Sam Levy, George H. Clifford, W. P. McLean, Sr., S. S. Lard, S. B. Cantey,

A. Cobden and Peter Molyneaux of Fort Worth; Lynch Davidson, W. S. Farish and F. C. Proctor of Houston; W. P. Gage, Alfred H. Johnson and J. Edgar Pew of Dallas; Ike T. Pryor of San Antonio; Clifford B. Jones of Spur; John Sealy of Galveston; Col. A. E. Humphreys of Denver; R. W. Wortham of Paris, and Walter Frisch of New York.

It is a source of peculiar gratification to me that the work is an all-Texas product, and that this beautiful de luxe edition has been manufactured entirely in Texas. It would not have been possible to produce such a splendid example of the printer's and binder's arts in Texas even a year ago, and this edition has historic value in this fact alone—that it is the first of its kind to be completely produced within the confines of the state. It marks a milestone in the history of the printing industry in this section of the country and the beginning of a full-fledged book-publishing center in the Southwest. It is eminently fitting that the first work thus manufactured in the state should be a history of Texas, and it is a source of genuine pride to me, who have been connected with the publishing business all my life, that it should be one bearing my name.

LOUIS J. WORTHAM.

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A HISTORY OF TEXAS

CHAPTER I.

MANIFEST DESTINY'S PATH.

LATE in the autumn of the year 1820 a lone horseman rode through the wilderness of the Spanish province of Texas toward the town of San Antonio de Béxar. He had come thus on horseback and alone a distance of eight hundred miles from the American territory of Missouri. To a beholder he would not have seemed a heroic figure. There was nothing about him to suggest that he was other than a tired and weather-beaten traveler, bent on some prosaic mission of little concern to anybody but himself. Viewed today, however, through the mists of more than a hundred years, that lone pilgrim appears as the embodiment of "manifest destiny." For the man was Moses Austin, and his journey marked the advent of Anglo-American civilization across the Sabine and the real beginning of the history of modern Texas.

Had his mission been widely known among his contemporaries, there can be little doubt that Moses Austin would have been regarded as a Utopian dreamer and his journey thought to be a fool's errand. He had conceived something no other man had thought of—a project most men would have dismissed as impractical, and which some would have laughed at. For he dreamed of colonizing Texas with Anglo-Americans,

and he proposed to obtain the consent of the authorities of New Spain to such a plan. The best informed men of that day would have declared the idea to be preposterous and visionary in the extreme. And yet modern Texas is the splendid reality which developed from that dream. Had not Moses Austin made that journey, or had his mission proved unsuccessful—which, but for a happy accident, it would have proven—the history of the region which now constitutes the largest state in the American union would have been radically different from what it has been. That lonely pilgrimage was a prelude—a prologue, so to speak—to the drama which was to be enacted on the stage of the vast country he traversed. The year 1820 became the starting point of a new era in that territory because of Moses Austin's journey.

In 1820 it must have seemed that the limit of the expansion of the United States had been reached. A treaty with Spain, by which Florida was ceded and the western boundary of Louisiana fixed at the Sabine river, had been signed the previous year. The whole Atlantic coast, from Canada to the Gulf of Mexico, was now under the American flag, and the gulf coast itself was American to the newly established line at the mouth of the Sabine. All the territory between the Atlantic and the Mississippi river was within the United States, and west of the Mississippi its domain included a vast region extending to the Rocky mountains, and, north of the forty-second parallel, even to the Pacific coast. It seemed that an epoch was at an end—the epoch which began in 1763 with the withdrawal of France from America, and which included the revolt of the British

colonies against George III, the establishment of the United States as an independent nation, the acquisition of the immense Louisiana territory from Napoleon, and, finally, the cession by Spain, in the treaty of 1819, of Florida and all claim to any part of the region east and north of the boundary fixed in that treaty.

No similar period in all history had witnessed anything resembling the rapid spread of British and Anglo-American control of the North American continent during the sixty years from 1760 to 1820. There were men still living in 1820 who remembered when the English-speaking settlements of North America were confined to the colonies spread along the Atlantic coast. Then the continent was divided among the English, the French and the Spanish. To the north and the west of the English were the colonies and the possessions of France, including the Mississippi valley, with New Orleans at the mouth of the mighty river. To the south, in the territory bearing the general designation of Florida, was the Spanish domain, with Cuba and the West Indies to the southeast. Mexico, or New Spain, was remote, and Texas was an unknown wilderness, a vague region lying between New Spain and the French colony of Louisiana. The change from that situation on the North American continent to the aspect it presented in 1820 had seemed to come about by natural stages, each growing out of something that had gone before. It was no wonder that in the process men began to talk about the "manifest destiny" which seemed to dominate and direct it.

The first change came in 1763, when the nations of Europe gathered at Paris to settle some of the issues of

the Seven Years' war. For England that war had been chiefly a struggle with France for colonial supremacy in America and India. Indeed, it was largely due to the circumstance that this struggle was already in progress at the beginning of the Seven Years' war that England remained out of the coalition against Frederick the Great and joined him against the rest of Europe. England decisively defeated France, both in India and America, in spite of the fact that in each case the natives had been allied with France. In consequence, France gave up all her colonial claims in America, and the Treaty of Paris disposed of the territory on the North American continent. To England was given Canada and all of the territory east of the Mississippi river. This included Florida, which had been Spanish territory, but Spain was the gainer by the treaty, for, in accordance with the treaty of Fontainebleu, signed the year before, Louisiana, the immense region west of the Mississippi, and including the city of New Orleans on the east bank of the river, was transferred from French to Spanish rule. Thus North America was divided between England and Spain, with the Mississippi as the dividing line. The west bank of the Mississippi was Spanish, and the east bank was English, except near the mouth of the river, where both banks were Spanish.

The germ of the next change was in this settlement. One of the problems of the French and Indian war, as the American phase of the Seven Years' war was called, had been that of obtaining cooperation among the British colonies in the matter of raising money and men. As early as 1754, when the French and Indian war was threatening, Benjamin Franklin had proposed a plan of

unity for this purpose, with an annual meeting of a "grand council" at Philadelphia. He advocated this for several years in his Pennsylvania Gazette, printing in each issue a picture showing the colonies as separate parts of a severed snake and bearing the legend, "Unite or Die." Immediately after the close of the war it became necessary to deal ruthlessly with a conspiracy of the Indians which proposed to destroy the British colonies and drive the colonists from America, and this, with the expenses of the war itself, brought up anew the question of finances and men.

It is said that the French minister, in ceding the French territory in America to England at the Paris conference, remarked, "I give her all, on purpose to destroy her." Whether this is true or not, almost immediately the forces which in part were to fulfill this alleged prophecy began to operate. With a vast new territory to protect, with the Indians to be held in check, and with no central authority in America to provide money and men, George III proposed that parliament should tax the colonists for the purpose of maintaining an army in America and to help defray the cost of the war. The colonists liked neither the assumption by parliament of the power to tax them nor the proposal to quarter an army from England permanently in the colonies. They resisted, and the controversy which ensued culminated in the Revolutionary war.

Very naturally the sympathies of both France and Spain were with the colonists and against their ancient enemy, England. From the very first the Spanish governor of the colony of Louisiana, Don Bernardo de Galvez, assisted the Anglo-Americans as much as pos-

sible, especially by permitting the use of New Orleans as a base for operations along the Mississippi. When in 1779, with the outcome of the conflict in America still in doubt, Spain declared war against England, Galvez lost no time in obtaining authority from the king of Spain for his subjects in America to participate in the war. He proceeded to prosecute a campaign against Florida, the inhabitants of which had not joined the British colonies in the revolution, and during the next two years, with a force from New Orleans, he captured Baton Rouge, Mobile and Pensacola, and recovered all the former Spanish possessions bordering on the Gulf of Mexico. It was this campaign by Galvez against the British which gave to the people of Louisiana the right to say that they helped to win American independence. But the important thing here is that when the Revolutionary war came to a close, Florida was again ceded to Spain.

This left North America south of the Great Lakes divided between Spain and the newly established United States of America. Spain was the only European power which still retained possessions in the territory now embraced in the United States. England had followed France in relinquishing all claims within that region (except the claim she set up later to Oregon), and the entire western and southern boundaries of the United States were bordered by Spanish territory. The Gulf of Mexico became a Spanish lake and all of the great region stretching from the Mississippi to the Pacific coast was under Spanish domination.

There was some controversy over the boundary line of West Florida, but a treaty between Spain and the

United States, signed October 20, 1795, finally disposed of this and set forth the details of the boundary between the Spanish dominions and the United States. If this situation had continued free from outside influences, the whole history of America since that time might have been different. But, at the very moment this treaty was signed, a new figure stepped upon the world stage —a figure destined to influence the course of world events during the next twenty years and to upset this arrangement of North America in a radical fashion. Two weeks before the signing of the treaty between Spain and the United States a mob was marching in the streets of Paris and it seemed to the members of the national convention of the French republic that a new Reign of Terror was about to begin. In desperation the convention entrusted the task of dealing with the mob to a young artillery officer, then but twenty-six years of age, and he proceeded to handle it in so decisive a manner that order was restored in a day. That young officer was Napoleon Bonaparte, who from that point moved rapidly during the next few years upon a career which occupied the attention of the whole world and changed the course of history. By 1800 he seemed to have reached the zenith of his power, having overthrown the directory and established himself as first consul. After five years of almost constant war, he felt that peace was at hand, and he began to dream of the reestablishment of France in America and of building up a great colonial empire. To this end he induced Spain to agree to return Louisiana to France.

Here was a change which boded evil for the United States. "It completely reverses all the political relations

of the United States," wrote President Jefferson to the American minister at Paris, "and will form a new epoch in our political course. . . . There is on the globe one single spot, the possessor of which is our natural enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market." Accordingly, Jefferson instructed the American minister to propose to Napoleon the purchase by the United States of New Orleans and West Florida, it being thought at first that the latter had been ceded to France along with Louisiana. Jefferson's proposal, it will be seen, was to extend American control of the east bank of the Mississippi to the river's mouth, and thus solve the vexed problem which alien control of both banks of the river at New Orleans had presented from the beginning of the American government. But Napoleon soon found that British supremacy on the sea made his colonial aspirations futile, and being in need of money for an impending war with England, he proposed to sell to the United States the whole of Louisiana or none. The result was that in 1803 the immense territory from the Mississippi to the Rocky mountains passed to American control.

The effect of this was far-reaching. It cut the Spanish possessions in North America into two parts and made the defense of Florida against attack from the United States, in the event of war at any future time, almost impossible. A dispute immediately arose over the boundary lines between Louisiana and Florida on the one hand, and between Louisiana and Texas on the other. This dragged along for several years, and in the meantime the Florida Indians becoming a growing

menace to the settlers of Georgia, Andrew Jackson invaded Florida and, in addition to administering a crushing defeat to the Indians, treated the Spanish forces in a manner which caused great offense in Spain and a demand for indemnity. It was this dispute which was brought to an end by the treaty of 1819. By that treaty Spain ceded Florida to the United States, and the boundary between Texas and Louisiana was fixed at the Sabine.

As has been said, all of this happened in the lifetime of men still living in 1820. Most of it had happened in Moses Austin's lifetime. Indeed, so far as the expansion of the United States was concerned, all of it had happened during the previous twenty years. Between 1800 and 1820 the area of the United States had been more than doubled. And while its territory was thus expanding, the tide of population was moving westward. This expansion and movement of population seemed inevitable developments. It truly appeared to be the "manifest destiny" of the Americans to occupy the whole of the continent south of Canada. But it was quite as natural also that the feeling had begun to grow that the limit of this expansion had been reached. When the signing of the treaty of 1819 annexed Florida and the strip of territory between the old Louisiana line and the Sabine, it may be said that the dominant feeling among the people of the United States, except, perhaps, in the Southwest, was that this was the end. It seemed the close of the epoch.

The great figures of that epoch were passing and great issues seemed settled. George III had just died in England; Jefferson, author of the Declaration of Independence, was in retirement at Monticello; Washington

had been dead for twenty years; Napoleon was dying in exile at St. Helena; Joseph Bonaparte, whose attempt to establish a new dynasty in Spain had given opportunity for revolution and independence in the Spanish colonies in America, was in seclusion at Point Breeze on the Delaware in New Jersey; Ferdinand VII had been restored to the Spanish throne by the absolutist monarchs of Europe, and while revolution still stalked in his possessions in South America, and was raising its head even in Spain, in Mexico it had been utterly crushed. Metternich, chief minister of Austria, was the dominant power in Europe and absolutism seemed firmly reestablished throughout the continent. What would happen when Europe again turned to the revolting colonies in America no man knew. James Monroe had just been reelected president of the United States, but the Monroe Doctrine was still three years away. In Mexico, in any event, Spain was in no danger. The last flicker of revolution had been stamped out, and now a solemn treaty with the United States had fixed definitely Mexico's northern and eastern boundaries. After setting forth those boundaries in detail, the treaty provided that the United States ceded to the king of Spain "all rights, claims and pretensions to the territories lying west and south" of them. These "rights and claims" had been little more than "pretensions," no matter how firmly some American leaders may have believed in them, but whatever ground they may have had, they were now "renounced forever."

Moreover, there were other reasons why men had begun to think that the limit of expansion had been

reached. The enthusiasm of the western "empire builders" had been somewhat dampened by a financial panic which had prostrated the country in 1818, bringing land booms to an end suddenly and sweeping away the possessions of men who had believed themselves permanently rich. The task of rebuilding the country's prosperity was beginning to engage men's attention. The so-called "era of good feeling" had just begun. Men were sobering up and it must have seemed to many of them that the task of settling and developing the vast territory included in the expanded domain of the United States was great enough without seeking more.

There was also another factor in the situation and one which influenced Monroe's attitude. The Missouri compromise, fixing a line dividing slave and free territory in the region west of the Mississippi, now coupled any question of new expansion with the question of slavery. Monroe wrote to Jefferson that "the further acquisition of territory to the west and south involves difficulties of an internal nature which menace the Union itself." Already there were evidences in the northern and eastern states of actual opposition to any further extension of the national domain, an opposition which was to grow to formidable proportions during the next two decades.

There were, to be sure, those who still regarded Texas as a part of the Louisiana purchase, and who, like Henry Clay and Thomas H. Benton, denounced Monroe and Adams for having signed away the "rights" of the United States to the land beyond the Sabine. Indeed, in 1819, when news of the signing of the treaty with

Spain was received, an indignation meeting was held at Natchez, and a filibustering expedition, under Dr. James Long, crossed the Sabine, captured the town of Nacogdoches and solemnly set up "the independent Republic of Texas." There was some pretense in this expedition of acting in the name of the inhabitants of Texas, but its real purpose was to "reclaim" what Monroe had "given up." However, it was quickly brought to naught by the Spanish forces in Texas. Nacogdoches was promptly recaptured from the invaders and the "republic" disappeared as suddenly as it had been set up.

The sentiment represented by Long and his followers was not widespread, and was confined chiefly to the Southwest. Far-seeing men like Andrew Jackson, it is true, believed the question would come up again, but they were of the opinion, as expressed by Jackson, that "for the present we ought to be content with the Floridas." However, the average man, whatever might have been his wishes with respect to Texas, was not disposed to quarrel with the administration over the treaty. In the election of the following year Monroe carried every state in the union. In fact, only one electoral vote was cast against him, an elector of New Hampshire declaring that only Washington should have the honor of a unanimous vote, and even that one vote was cast for John Quincy Adams who, as secretary of state, had negotiated the treaty. There could have been hardly a more general approval of a treaty than that. Taking the country as a whole, unquestionably most men accepted it as finally settling the southwestern boundaries of the United States. Texas, which for the

most part was uninhabited by white men, was to remain part of Mexico, it seemed. This probably was the view of Moses Austin himself.

And yet, at that very moment forces were being put in operation which in due course would again change the map of North America. That lone horseman, traversing the wilderness of Texas to San Antonio de Béxar, seems today the instrument of "manifest destiny."

CHAPTER II.

AFTER THREE CENTURIES.

THE land into which Moses Austin journeyed as the forerunner of Anglo-American civilization had been Spanish territory, except for a shadowy French claim, for nearly three centuries. And yet its total population in 1820, exclusive of Indians, was scarcely three thousand. San Antonio de Béxar was almost the only permanent settlement, and one needs only to glance at a map of Texas and to note the vast territory between that point and the Sabine, to say nothing of the territory to the north and west, to appreciate how slight was the hold of the Spanish power on the province. But whether slight or otherwise, the claim of Spain to Texas, formally recognized by the United States only the year before Moses Austin's historic journey, is now known to have been indisputable.

While it was believed by some in the United States during the early years of the nineteenth century that the transfer of Louisiana created an American claim to Texas, and both Monroe and Adams, in negotiating the treaty in 1819, put forward such a claim, there really never was valid historic basis for it. The early historians of Texas, notably Yoakum, adopted this thesis, and sought to establish a French claim founded on La Salle's attempt to plant a colony on Lavaca bay in 1685. But this French attempt was a complete failure,

and, besides, Spanish exploration of the region dated back fully a hundred and fifty years before La Salle.

The Spaniards were not slow to follow Christopher Columbus's world-startling discovery of the West Indies in 1492 by colonization of those islands. There were flourishing Spanish settlements on the islands of Cuba, Porto Rico, Hayti and Jamaica within twenty years after the first landing of Columbus, and within thirty years after that epoch-making event the whole coast of Texas had been explored. Like Columbus, the Spaniards continued to search for a passage leading westward to India, and expeditions from the islands explored the whole of the Gulf of Mexico on this quest. No passage was found, of course, because none was there, but in the process a number of very accurate maps of the gulf coast were charted by the explorers.

Alvarez de Pinedo, an agent of the governor of Jamaica, was the most important of these map-makers of the Mexican Gulf. He explored and mapped the whole coast of Texas in 1519 and sent back to Spain, through his master, a glowing description of "Amichel," as the Spaniards then called Texas. Based probably on tales of Indians on the coast, this story pictured a land of much gold and other treasure, inhabited by two races of men—one a race of giants and the other a race of pygmies. This, be it noted, was two years before Cortés captured the Aztec capital in Mexico.

Pinedo's tales of Texas were an early instance of a new influence which began to impel Spanish adventurers to set out on expeditions of exploration in the unknown regions of the western world just about the time all hope of finding a passage westward from the

MISSION LA PURISIMA CONCEPCION DE ACUNA.

Mexican gulf was abandoned. This influence was the romancing of the Indians. The familiar story of the Fountain of Youth for which Ponce de Leon searched in Florida was only one of a great number of such yarns with which the natives beguiled the credulous Spaniards. Tales of wonderful cities and rich nations sent them roaming over the whole of the southern portion of North America from the Atlantic to the Pacific during the next one hundred years or more. The discovery of Mexico in 1519, and its subsequent conquest, was in part a verification of some of these stories, and the quest for "another Mexico" became the motive of many expeditions.

In the spring of 1528 such an expedition which had gone to Florida under Panfilo de Narvaez, with the purpose of planting a colony there, met with disaster, and members of the company attempted to make their way to the Spanish settlements in Mexico by cruising along the coast in five improvised boats made from the hides of their horses. Three of these boats were wrecked, November 6, 1528, on an island off the coast of Texas, probably Galveston island, and Cabeza de Vaca, a Spanish noble who had given up a high office in Spain to accompany Narvaez to America, reached shore safely with a number of companions. Nearly eight years were to pass before Vaca should again set foot in a Spanish settlement, for the Indians on the coast detained him and his companions practically as slaves, and though Vaca himself had many opportunities to escape, he postponed it from year to year in order to save the others as well.

There is no more interesting narrative in all the rec-

ords of early American exploration than the account which Vaca wrote of his long sojourn among the Texas Indians. Part of the time he acted as a medicine man, or rather a healer, and he also became a proficient trader among the various tribes. It may be said that Vaca was the first physician and first merchant on Texas soil. He sought to escape the role of physician, but the Indians insisted that as a child of the sun he must possess supernatural powers, and for a time he was given his choice of healing their sick or going without food. His method, which later caused a war of pamphlets in Spain, was that of praying for the recovery of his patients and, according to his own account, he was very successful.

While Vaca developed as a trader he roamed over a great part of South Texas and learned many of the dialects of the Indians. His account is the earliest accurate description of the country, and incidentally contains the first description of the buffalo ever set down on paper. Another interesting circumstance connected with Vaca's stay in Texas is that one of the company who lived to return to civilization was an African Moor, called Estebanico, the first black to set foot on Texas soil.

In 1541 an Indian guide, whom the Spaniards called El Turco (the Turk) led Francisco Vasquez de Coronado and his followers out of New Mexico on a wild goose chase over the south plains of West Texas, seeking for one of the many fanciful cities of gold, the product of Indian imagination. In this case the Indians had method in their deception, for El Turco afterwards

confessed that he had been assigned by tribesmen in New Mexico, whom Coronado had treated with cruelty, to take the Spaniards out on the plains and lose them.

The following year (1542) Luis de Morosco, chosen by the ill-fated De Soto, discoverer of the Mississippi, on his death-bed, to lead his men from the wilderness along that mighty stream back to civilization, attempted to reach Mexico by traveling overland, and crossing Red river near the point where Texarkana now stands, penetrated Texas as far as the Brazos.

In 1582 Antonio de Espejo, a merchant of Mexico, returning from the region around what is now Prescott, Arizona, passed through West Texas and explored the Pecos river for some distance.

During the next one hundred years the Spaniards were moving north from Mexico into California and New Mexico, and there is record of several expeditions which touched Texas at different points. Finally, in 1682, a tribe of Indians, friendly to the Spaniards, driven from New Mexico by the Pueblo uprising of 1680, was settled at a point twelve miles from the present city of El Paso. The new village, in which in time Spaniards also settled, was called Ysleta, after the New Mexico village from which the Indians had fled. It stands today, a town of two thousand inhabitants, and has been in continuous existence since 1682. It is the oldest town within the present boundaries of Texas.

Up to this time (1682) no Frenchman had set foot on Texas soil. It was in that year that Robert Cavelier de la Salle reached the mouth of the Mississippi, having explored it from the mouth of the Illinois river,

and hastened back to France to organize the expedition which was to end in his arrival on the shores of Matagorda bay.

La Salle was the first man to recognize the importance of the Mississippi as a highway of trade, and to propose the planting of a colony at its mouth. With that purpose in view he sailed from France, with equipment for a colony, in the summer of 1684. It was an ill-fated voyage from the first. Off the West Indies one of his four ships was captured by the Spaniards; incorrect and incomplete maps caused him to miss the mouth of the Mississippi, and to sail past it to the coast of Texas; another of his ships was wrecked entering Matagorda bay, and finally his naval commander, Beaujeu, who had been unfriendly and quarrelsome throughout the voyage, sailed back to France with a third ship, taking with him a number of La Salle's soldiers and a quantity of supplies.

La Salle landed, established a camp for his men, and then set out to find the Mississippi, believing it was not far away. Hostile Indians attacked his camp, disease broke out among his men, and many of them died. When he realized he had missed the mouth of the Mississippi he moved his camp to another site on Garcitas river, near the head of Lavaca bay, and proceeded to build a fort and permanent colony, which he called Fort St. Louis. Besides the rude fort, which was constructed of timbers from the wrecked ship, the colony consisted of five mud-plastered huts. Finally, while he was exploring the coast, his last ship was wrecked, and now he set out overland, still in search of the Mississippi. He reached a point north of the present town

of Nacogdoches, when he was forced to return because of illness and discontent of his men. Food became scarce and he began to realize that unless he obtained help of some sort his men would be facing starvation. And so he resolved to attempt to reach the French settlements on the Illinois river, little dreaming the great distance he would be obliged to travel. He started with a few companions, including his brother and nephew. At a point on the Brazos, believed to be just above the town of Navasota, he was murdered by some of his men. A few of the party continued the journey and finally reached Canada. The colonists who remained behind perished at the hands of the hostile Indians, or from disease, with the exception of a few who took refuge among the Indians. Four years after La Salle's landing, when the Spaniards finally found Fort St. Louis, it was deserted.

Such is the tragic story of La Salle's colonization of Texas. Its chief effect was to arouse the Spaniards to the danger of French encroachment and, temporarily at least, to the need of settling north of the Rio Grande. For the moment it caused a sensation throughout the Spanish settlements, both in the West Indies and Mexico, and expeditions were sent out to search for the French invaders.

For three-quarters of a century a race had been in progress between the Spanish, the English and the French for control of territory in the new world. For a hundred years after the discovery of America, Spain had been the only colonizer, and her practical supremacy on the seas made possible her assumption of a right to all the new lands. But with the exploits of Sir

Francis Drake, and the defeat of the Spanish armada in 1588, the Spanish power at sea waned and other nations entered the field. In 1607 Jamestown was founded in Virginia by the English, and in 1608 the French founded Quebec. Both the English and French spread rapidly, the English along the Atlantic coast and the French in Canada and into the upper Mississippi valley. How far English colonization had advanced may be appreciated when it is said that Harvard college was fifty years old when La Salle landed on the Texas coast! There had been more than one clash between the French and the English, and the Spaniards had encountered the English on the Atlantic coast, north of Florida. But more menacing was the fact that in 1655 the English had forcibly taken the Island of Jamaica from the Spanish and had made the seizure stick, and that the French had organized the West India company in 1664 and planted colonies on the islands of Guadeloupe and Martinique and in the Windward islands.

These were the days of the Spanish main, and for some time there had been piratical raids on Spanish shipping. Spanish ships with rich cargoes had been seized and confiscated and coast towns had been attacked. And now here was an attempt by the French to plant a colony on the shores of the Gulf of Mexico itself, and just north of the Rio Grande, south of which were the Spanish outposts of Nuevo Leon and Coahuila! It was no wonder that the capture of La Salle's first ship by the Spaniards, thus revealing the arrival of the French, had excited all the Spanish settlements neighboring the gulf.

So expeditions were dispatched to find the French. After three of these had been unsuccessful, between 1686 and 1689, Alonzo de Leon, governor of Monclova, accompanied by Father Massanet, a Franciscan friar, and a hundred soldiers, set out for a fourth time. In March, 1689, Leon finally came upon the abandoned Fort St. Louis and its five huts. Three unburied bodies, one of them that of a woman, told the gruesome story of the French failure and the tragic fate which had befallen La Salle's colonists. The bodies of others evidently had been thrown into the river to be devoured by alligators. A few survivors were found living among the Indians, and two of these were taken by the Spaniards to Mexico.

The Spanish authorities were now aroused to the importance of settling north of the Rio Grande and Father Massanet had little difficulty in obtaining their consent to establish a mission among the Tejas (Texas) Indians, a tribe the Spaniards had encountered during their search for the French, and had found friendly. Accordingly he returned in 1690, accompanied by a military escort under Leon, and established, near the Neches river, the first Spanish mission in Texas—the Mission San Francisco de los Tejas. The party visited the site of Fort St. Louis en route and burned the buildings, Father Massanet applying the torch with his own hand.

The Mission San Francisco de los Tejas was as short-lived, however, as the French colony. Its personnel consisted of only three friars and three soldiers, Father Massanet believing that the presence of soldiers in greater number among the Indians would defeat his purpose of Christianizing them. Indeed, even this

small number of soldiers seems to have contributed to the failure of the mission, for outrages committed by them among the Indians rendered it unpopular. Moreover, the Indians were unwilling to live in communities, as the friars proposed, and drouth and flood alternately added to the difficulties encountered. In October, 1693, the mission was abolished by order of the viceroy. Father Massanet applied the torch to the buildings in order that they might not become the nucleus for a new colony of the French, and thus the fate of the first Spanish attempt at colonization in East Texas was very much the same as that of Fort St. Louis. But from this contact with the Tejas Indians came one permanent result. The Spaniards began, during this period, to refer to the region by the name of the Mission San Francisco de los Tejas, shortening it, as was their habit, to Tejas (Texas). In time this became its permanent designation.

More than twenty years were to pass before a real beginning was made in the colonization of Texas. Meantime a start had been made by the French in Louisiana. A French fort was built at Biloxi in 1699, and a little later the colony there was moved to Mobile bay. From this base during the next fifteen years the French explored much of the territory along the rivers flowing into the Mississippi. French influence at the Spanish court, it is said, was responsible for this progressive encroachment of the French upon what was regarded as Spanish territory. In any event, the French were soon very firmly established on the gulf coast, and La Salle's original dream was on the way toward realization.

When Antoine Crozart, in 1712, obtained from the king of France a monopoly of the trade of Louisiana for fifteen years, the newly appointed governor of the province, De la Mothe Cadillac, sought to open up commerce with the Spanish settlements in Mexico, and it was this effort which led ultimately to the first successful colonization of Texas. Cadillac sent a ship to Vera Cruz and applied directly to the viceroy with a proposal to establish commercial relations between Louisiana and Mexico. To have agreed to this, the viceroy would have been compelled to set aside the settled policy of Spain with respect to her colonies, so the proposal was rejected.

It seemed that the whole idea would have to be abandoned, when there fell into Cadillac's hands a letter which had been dispatched to the priests of Louisiana some time before by Father Francisco Hidalgo, who had been one of Father Massanet's companions at the Mission San Francisco de los Tejas, and which put another idea into Cadillac's head. The letter was simply a request that the Louisiana priests make an attempt to pacify the tribes hostile to the Asinai Indians, pointing out that the French were nearer to those tribes than the Spaniards. This letter, and another which Father Hidalgo had addressed to the governor of Louisiana himself, but which never reached its destination, have been interpreted as deliberate overtures to the French to settle in Spanish territory, with the idea that it would arouse the Spanish authorities to make another attempt to plant a mission in Texas. Whatever Father Hidalgo's purpose may have been, his letter caused Cadillac to adopt a plan of action which led to direct communi-

cation between the French and Spanish on the Texas-Louisiana border, and to the first permanent colonization of Texas. For Cadillac dispatched Louis Juchereau de St. Denis, a trusted agent, to set up a post in that region, and to seek out Father Hidalgo with the purpose of inducing the Spaniards to do likewise.

Cadillac's agent was well chosen. Not only was St. Denis a seasoned frontiersman, but he was a skilled trader and a man of engaging personality. He set about his task with characteristic zeal, and late in 1713 he planted a post among the Natchitoches Indians on the Red river. He then proceeded into Texas in search of Father Hidalgo. Accompanied by a party of Asinai Indians and three Frenchmen, two of whom were the survivors of La Salle's colony found among the Indians by Leon twenty-five years before, St. Denis crossed the Rio Grande, and proceeded to the Mission San Juan Bautista, in Coahuila. He did not find Father Hidalgo, who was absent, but he was well received by the other priests, and by Capt. Diego Ramón, in command of the presidio. Whether St. Denis disclosed boldly that his real purpose was to obtain the establishment of an illegal trade between Louisiana and the Spaniards of northern Mexico will never be known, but such was the result of his trip.

Captain Ramón notified the authorities at the City of Mexico of St. Denis's presence, and asked for instructions, meantime detaining the Frenchman in Coahuila. St. Denis himself improved the time by making love to the captain's grand-daughter, and he succeeded so well that she subsequently became his wife. Conducted to the City of Mexico, under guard, he apparently con-

vinced the viceroy and other authorities that he had no purposes unfriendly to Spain. In any event, in April, 1716, nearly two years after his arrival in Coahuila, St. Denis had the satisfaction of starting back to Eastern Texas as the paid guide of an expedition to establish Spanish missions in that region. Evidently, whatever else the Spanish authorities thought, they concluded that, with the French planted on Red river, the territory between that stream and the Rio Grande should be settled at once.

The expedition consisted of sixty-five persons, and was under command of Capt. Domingo Ramón, a relative of the commander of the presidio, and of St. Denis's wife. Nine Franciscan friars, headed by Father Espinosa and Father Margil, and including Father Hidalgo, constituted the missionary contingent of the party. They took with them full equipment for the establishment of a number of missions, including about a thousand head of livestock, consisting of cattle, sheep and goats.

When the expedition arrived in the region of the Neches and Angelina rivers, sites were chosen for four missions and, with the help of friendly Indians, ground was cleared and rude structures erected. These were given the names of Nuestra Señora de la Guadalupe, La Purísima Concepción, San José and San Francisco de los Neches, the latter being a revival of the Mission San Francisco de los Tejas on a different site. Farther east, nearer the French territory, another mission, that of Nuestra Señora de los Dolores, was established and, convenient to the whole group, a presidio or fort was built. Finally, proceeding to St. Denis's post of Natchi-

toches on the Red river, the eastern outpost of the Spanish domain was established by planting a mission in the valley of the Sabine, and east of that river, at Los Adaes. The site was within fifteen miles of the French post, and was known as the Mission San Miguel de Linares. The town of Robeline, La., now stands on this spot, the strip of land east of the Sabine becoming part of Louisiana by the treaty with the United States in 1819.

So at last a Spanish center was established in Texas. It was soon to be followed by another, for it was recognized that a half-way point was needed to break the long journey from the Mission San Juan Bautista, just south of the Rio Grande. Indeed, en route to the French border, Ramón and St. Denis had noted that San Pedro springs, on the San Antonio river, would make a splendid site for a settlement. Accordingly, in the spring of 1718, an expedition under Martin de Alarcón, governor of Coahuila, established the presidio of San Antonio de Béxar on that site, and Father Olivares transferred a party of Franciscan friars from the Mission San Francisco Colano, on the Rio Grande, and founded the Mission San Antonio de Valera beside the presidio.

This was the beginning of the city of San Antonio. In time a number of other missions clustered around the presidio, most of them moving there after being first established at other points in Texas. These included some of those established by Ramón's expedition which already have been mentioned. Then, in 1731, in addition to the presidio and the mission—military and ecclesiastical establishments, respectively — there was founded a civil settlement—the villa of San Fernando.

From the very first San Antonio was the chief Spanish settlement in Texas. Indeed, it was almost the only genuinely permanent settlement, for the other two settlements existing in 1820—Nacogdoches and La Bahía (Goliad)—were of very uncertain population and incapable of defense against a force of any consequence. But San Antonio was firmly planted. It was the center of supplies for all the other settlements, whether missions or presidios, and it was the haven to which settlements were moved when, for any reason, they were abandoned. It was only through San Antonio de Béxar that there may be said to have been any permanent Spanish occupation of Texas at all.

During the remainder of the eighteenth century more than a score of missions and presidios were established by the Spaniards in different parts of Texas, only to be abandoned later or moved to San Antonio for one reason or another. Most of these were in the eastern section, but attempts were made also to plant missions among the Apaches and the Comanches in the west. The warlike character of these Indians doomed these attempts to failure from the start, and even in East Texas it can not be said that the missions were more than temporarily successful. Splendid work was done by the self-sacrificing friars, to be sure, in pacifying and civilizing the Indians. The record of their labors is a glorious page in the Spanish history of Texas. But not much of it was self-supporting and frequently investments of comparatively large amounts of money, to say nothing of the investment of labor, were brought to naught by failure in the end. The purpose of the missions was to Christianize the Indians and to civilize

them in the sense of inducing them to live in communities, but their success in doing either was hardly permanent in character. Nor can it be said that they had a permanent effect upon the settling of the country. It was the presidio at San Antonio that made that settlement the center, and neither La Bahía nor Nacogdoches developed from missions. In 1785 there were fewer than five hundred Indians attached to all the missions in Texas, whereas twenty years before there had been more than two thousand. The number, both of missions and of Indians attached to them, had been further reduced when Spain secularized the missions in 1794. A few of them persisted after that date, but all had disappeared by 1820.

Spain made sporadic efforts during the whole period to promote immigration and colonization in Texas, but the population did not grow, nor did any very material permanent development result. The hostility of the Indians was the chief cause of this failure, but it must be admitted that the transfer of Louisiana to Spanish rule, in 1763, and the Spanish occupation of that rich province for forty years thereafter, made the colonization of Texas of little immediate importance, and this undoubtedly had much influence upon Spanish effort in Texas. It ceased to be border territory when Spain took possession of Louisiana, of course. Had the French remained in control of Louisiana, and had not Spanish effort been directed so decidedly toward the development of that province, the history of Texas between 1763 and 1803 might have been a record of greater progress. But whatever the cause, the Spanish effort to colonize Texas had not been bril-

liantly successful. In 1820 the population of the province was waning, and it had been falling off for several years.

Two events should be recorded here because of their relation to the aspect Texas presented in 1820. One of these came shortly after the founding of San Antonio. In 1719 war between Spain and France broke out in Europe, and there was some echo of it in the colonies in America. The French at Natchitoches showed signs of attacking the Spanish settlement at Los Adaes and, without waiting to make any resistance, the Spaniards at that place, and from all the settlements in East Texas, fled to San Antonio. Meantime, an expedition was sent from Louisiana to establish a French fort on the Texas coast, near the site of La Salle's old colony. Hostile Indians prevented this move, but after the restoration of peace between France and Spain in Europe, when the Spaniards reoccupied East Texas, the Marqués of Aguayo, governor of Coahuila, built a presidio at that point. This was the beginning of Bahía del Espíritu Santo, shortened by popular usage into La Bahía. The Indians forced the Spaniards to move, just as they had the French, and the presidio was reestablished further inland. In 1749 it was moved again, this time to the present site of the town of Goliad.

The other event referred to was the withdrawal of the Spanish settlements from East Texas after the transfer of Louisiana to Spanish rule, and the subsequent reoccupation of that section by its former inhabitants. The weakness of the frontier against Indian depredations, the comparative failure of the remaining missions, the expense of maintaining the presidio at Los

Adaes, and the fact that the boundary between Louisiana and Texas had lost its importance through the withdrawal of the French from North America, led to the creation of a new frontier by royal order in 1772. This order provided for the abandonment of East Texas entirely, and the fixing of the Texas frontier along a line extending from San Antonio de Béxar to La Bahía. The presidio at Los Adaes was abolished, and the settlers in East Texas were ordered to move to lands around San Antonio. To do this meant great sacrifice and hardship for these people, for they would be compelled to abandon their homes, leaving their crops in the fields, and to lose the fruits of years of labor. Many of them had been born in East Texas, and therefore felt a natural attachment to the region. But, in spite of all this, it had been decided that they must leave it. Antonio Gil Ybarbo, a prosperous ranchman, and a native of East Texas, led in attempting to obtain a stay of the royal order. The order was carried out in 1773, however, and the entire population, with the exception of a few persons who fled to the woods, and others who were temporarily left at points along the way because of illness, was moved to San Antonio. But Ybarbo and others who had most at stake continued to importune the central government to permit them to return, and Ybarbo went to Mexico City to obtain the viceroy's consent to this. After much controversy between conflicting authorities, Ybarbo and a number of the East Texans were permitted to establish themselves on the banks of the Trinity river, somewhere in the neighborhood of the present counties of Walker and Madison. They founded the pueblo of Pilar de Bucareli, which had an

MISSION SAN JOSE DE AGUAYO.

existence of varied fortunes from 1774 until the end of 1778. The Comanche Indians raided the place in the latter year, and became so menacing that the settlers petitioned to be allowed to move further east. Indeed, in January and February, 1779, without awaiting official sanction, they moved to the site of the "depopulated mission of Nacogdoches."

Immediately following their exodus, the town of Bucareli was inundated by an overflow of the Trinity, and this circumstance was added to the considerations which induced the authorities finally to approve the reestablishment of the pueblo on the new site. Ybarbo found the mission at Nacogdoches still standing, and eighty or ninety wooden houses. He does not mention a stone fort, which figured prominently in the subsequent history of Nacogdoches, and this seems to have been built at a later date. But it was this migration which rejuvenated Nacogdoches, and the town has been in continuous existence ever since.

San Antonio, La Bahía, Nacogdoches—these constituted the total result of Spanish colonization in Texas when Moses Austin crossed the Sabine in 1820. In consequence of Long's escapade the year before, and of other similar activities from across the Sabine, the latter place was in ruins, only five houses and a church standing entire. The country between Nacogdoches and San Antonio was a complete wilderness, and to the west from San Antonio there were no settlements at all. The Apaches, Comanches and other hostile Indians were in undisputed possession there, and they did not hesitate even to make raids upon San Antonio itself. The

abandoned missions, east and west, were mute witnesses of the failure of the Spanish effort at colonizing Texas. During the same period the Anglo-Americans had peopled half the continent with a population of ten million. They had now arrived at the Texas frontier, and Moses Austin was on his way to San Antonio to announce their advent to the governor.

CHAPTER III.

TWO DECADES OF FRICTION.

In order to appreciate the daring character of the undertaking upon which Moses Austin had launched—his journey, alone and unguarded, through the Texas wilderness, and his decision to lay before the Spanish authorities the audacious proposal to settle Americans in that province—it is necessary to understand that Americans were the most unpopular people in the world among the officials of New Spain in 1820, and that the one place in Mexico more than any other where Americans were unwelcome was Texas.

This unpopularity began in friction over the boundary of West Florida immediately after the Revolutionary war; it was intensified by the controversy over the navigation of the Mississippi, and by the transfer of Louisiana, and everything that had happened between the latter event and 1820 had served to increase the feeling of antipathy and suspicion with which the Spaniards regarded the Americans. When it is considered that the area of the United States was more than doubled between 1800 and 1820, and that every inch of new territory annexed during those twenty years was under Spanish rule in 1800, it is hardly to be wondered at that the Spaniards should be just a little suspicious of American intentions with respect to Texas.

That Napoleon treated Spain rather shabbily in the Louisiana matter can not be denied, for the transfer to

France was made reluctantly, and with a stipulation in the treaty that the province should not be ceded to any third power without Spain's consent. The ink was hardly dry on the paper of the treaty when Napoleon sold Louisiana to the United States. Spain objected very decidedly to the transfer, and it was not until two months after the United States was in actual possession of Louisiana that Spain notified the American minister that "the opposition of his Catholic majesty to the alienation of Louisiana was withdrawn, in spite of the solid reasons on which it was founded." Spain was in no position to quarrel with Napoleon. But the Spaniards, especially those in the colonial service, continued to resent being forced to give up Louisiana.

The earliest instance of a clash between Americans and the Spaniards in Texas, however, antedated the Louisiana purchase. In 1800 Philip Nolan, who had conducted an unlawful trade between Natchez and San Antonio for some years, invaded Texas with a force of twenty-one men on a mission, the character of which has never been satisfactorily explained. The Spanish authorities, in any event, were informed by a deserter from Nolan's party that his purpose was to build a fort in Northeast Texas to serve as a base for the conquering of the province at some later date, and they acted upon that information. Nolan penetrated Texas as far as the Brazos and established a camp. After capturing about three hundred wild horses, the party moved to a village of Comanche Indians on Red river, where they spent a month, and then returned to the camp on the Brazos. Meantime the Spanish authorities, being apprised of their presence, sent a force of one hundred

men from Nacogdoches to find them. On March 21, 1801, the Spaniards came upon Nolan's camp, which was situated near the point where the city of Waco now stands, and a battle ensued. Nolan was killed and the members of his party captured. Three Americans escaped shortly after the battle, and the remainder of the party, consisting of eight Americans, one Mexican and one Louisiana creole, were taken to Nacogdoches. From there they were sent to San Antonio in irons, and later were moved to San Luis Potosí. After spending sixteen months in prison they were moved again, and in 1804 were given a trial and their release was ordered. This was objected to by the commandant of the internal provinces, and the matter was referred to Spain. Finally, in 1807, the decision came from Spain that one man of each five should be executed, the choice to be made by lot, and that the others should serve ten years at hard labor. This meant that two out of the ten should be chosen, but inasmuch as one had died in the meantime, the authorities decided that the execution of one would satisfy the decree. The choice fell upon Ephraim Blackburn, and he was hanged at Chihuahua on November 11, 1807. The others were sent to different penal settlements, and one of them, Ellis Bean, subsequently took part in the revolution of Morales in 1812, and later served as an officer in the Mexican army.

Meantime, following the Louisiana purchase, the controversy which arose over the boundaries of both Florida and Texas did much to keep alive the animosity of the Spaniards. There were clashes on the Texas border, and for a time war seemed certain.

Finally, when Spanish troops were prevented from occupying Los Adaes, and the American commander insisted that they should remain on the western side of the Sabine, an agreement was reached by which the land lying between the Sabine and the Arroyo Hondo, the old French boundary, was declared a neutral zone which neither should occupy until the dispute could be settled. This agreement, made between Gen. James Wilkinson, commander in chief of the American army, and General Herrera, the Spanish commander, was subsequently ratified by both governments, with the stipulation that it should remain in effect until the boundary could be fixed by treaty. It was in this way that the so-called "neutral ground" was created in 1806.

But several years were to pass before such a treaty was signed. In the spring of 1808 Spain was thrown into a condition of civil war by the action of Napoleon in attempting to inflict his brother, Joseph Bonaparte, upon the Spaniards as their king, and for four years thereafter the country was the battleground of the Peninsular war between the French and the English. Joseph Bonaparte's government was challenged from the start and was recognized by only a small class in Spain. At one time there were as many as three conflicting authorities presuming to rule the country, and meantime all of Spanish America sprang into revolution and began a struggle for independence. Disputes over colonial boundaries became small matters, and when the treaty was finally taken up again all kinds of obstacles arose to prevent an agreement. The "neutral ground," therefore, was for thirteen years a "no-man's land," over which no nation exercised authority.

It became the rendezvous of lawless characters, who engaged in every manner of illegal activity, and who preyed upon the people of both Louisiana and Texas. This was a source of much irritation throughout the period.

Immediately following the establishment of the neutral ground a sensation was created throughout the United States, and in Spain and Mexico, by the arrest of Aaron Burr, who had been vice president of the United States during Jefferson's first administration, on a charge of conspiracy and treason. The charge was that Burr had attempted to set on foot an expedition into the Southwest with the purpose of establishing an empire of which he should be the ruler. This scheme, it was said, proposed to include the seizure of Texas and other Spanish territory, as well as certain territory belonging to the United States. The technical charge of treason was not proved against Burr, but enough was brought out to show that he and those associated with him had seriously contemplated some such project, and that apparently a large number of persons in the Southwest had regarded it as feasible. How these revelations were received in Spain and Mexico can easily be imagined. They seemed to justify Spanish fears and suspicions, and the fact that Burr was acquitted was regarded as having a sinister significance.

In the midst of the Bonaparte controversy in Spain, and when all the Spanish colonies in South America were rising in revolution, the English settlers in part of West Florida held a convention in 1810 and declared themselves free and independent. They sent a com-

munication to the president of the United States, James Madison, asking that they be recognized as such, but instead of granting their request, Madison instructed Governor Claiborne of Louisiana to send a military force into the district and take possession on the ground that it was properly a part of the Louisiana purchase. Troops were sent and two years later the occupied territory was extended. Spain protested against this action as high-handed and unwarranted, but the American troops remained. This territory was finally ceded to the United States with the rest of Florida, in 1819, but the incident was added to the list of Spanish "grievances."

During the early negotiations over the western boundary of Louisiana, the American government had set up a claim to the whole of Texas to the Rio Grande, and the growth of the idea among the American people that Texas was really included in the purchase of Louisiana, and that the Spaniards were usurpers of American rights, did not serve to put the latter in a better humor. Finally, the activity of American adventurers in connection with attempted revolutions in Mexico, which went even to the extent of invading Texas, served to increase Spanish aversion and suspicion.

In the summer of 1810 Miguel Hidalgo, parish priest of the town of Dolores, in the province of Guanajuato, Mexico, appeared at the head of a revolt of native Mexicans who rallied to the cry, "Death to the Spaniards!" He gathered a considerable force around him and for a time made much headway. But the Spanish authorities put down the movement in a crushing man-

ner, and Hidalgo was captured and executed in July, 1811. However, the spirit of revolt had gotten abroad, and in 1813 José María Morelos, another priest, took up Hidalgo's cry, and called a Mexican congress. It met on September 13, 1813, and, although there were only eight delegates present, they declared Mexico independent of Spain. This movement, too, was successful for a time, but in eighteen months it had been completely suppressed, and Morelos was executed in December, 1815. After that there were sporadic outbursts here and there in Mexico, and small groups continued to agitate revolution, but nothing more of a formidable character had appeared in the interior of Mexico up to 1820.

One of Hidalgo's associates, Bernardo Gutiérres, escaped to the United States in 1811 and made his way to Natchitoches, La., just on the edge of the neutral ground. From that vantage point he proceeded to plan an invasion of Mexico through Texas. He found many Americans ready to become associated with such an enterprise, not so much because of sympathy with the cause of revolution in Mexico, as because it supplied an excuse for the invasion of Texas. It was the popular American view at that time that if Mexico obtained independence of Spain there would be little difficulty in fixing the American boundary at the Rio Grande, and, besides, a "grateful people" could be expected to reward their "deliverers." At Natchitoches Gutiérres made the acquaintance of Lieut. Augustus Magee, an American officer who was stationed there, and who had had some experience in hunting criminals on the neutral ground. Together they formed the

plan to organize a force for an expedition into Texas, Magee having resigned from the United States army in order to undertake it.

The denizens of the neutral ground were the nucleus around which their army was recruited, about one hundred and fifty of these adventurers forming the first contingent which Gutiérres led across the border in person. In August, 1811, Gutiérres took possession of Nacogdoches, the Spanish troops there fleeing without showing fight. Magee, who had been busy recruiting, soon joined him with additional forces, and the party proceeded, first to the fort at the crossing of the Trinity, known as Spanish Bluff, and then to La Bahía. With the force that Magee had brought, and recruits obtained at Nacogdoches, they numbered eight hundred. Magee was the real leader of the party, though Gutiérres was nominally commander in order to give the expedition the semblance of being officially part of the Mexican revolution. Magee's subordinate officers included Major Kemper and Captains Perry, Lockett, Ross and Gaines.

Governor Salcedo, of the province of Texas, had been notified of the projected invasion, and he went in person to take command of the troops at La Bahía. Leaving the fort practically unguarded, he sallied forth to intercept the invaders, but Magee got word of this and, by a roundabout movement, succeeded in passing Salcedo without being discovered, and easily took possession of La Bahía during the Spaniard's absence. Salcedo returned and began a siege which lasted four months. Several attacks were made, during which the

Spaniards suffered heavy losses, and finally, after an unsuccessful attempt to induce the members of the party to lay down their arms and return peacefully to the United States, Salcedo marched away toward San Antonio. Magee died during this siege, one story being that he committed suicide after his companions refused to accept Salcedo's offer to permit them to leave Texas unmolested.

Major Kemper now took command, always keeping up the subterfuge of Gutiérres's leadership. New recruits flocked to the movement, including a party of Indians. In March, 1813, the invading army arrived outside of San Antonio and, after a decisive battle with Salcedo's forces—known as the battle of Rosillo—entered the town.

Now Gutiérres began to assume authority, which up to that time had been only nominal. He proposed that Salcedo and his staff be sent to New Orleans until after the war, and started them on the journey to the coast under guard of a Captain Delgado and a party of Mexicans. Delgado, it subsequently developed, simply took the prisoners a little way outside of San Antonio and ordered his men to fall upon them and behead them with their knives. This barbarous order was carried out in terrible detail, Salcedo and his entire staff, fourteen in number, being murdered and horribly mutilated.

Major Kemper and his associates were shocked beyond expression when they learned of this, and they placed Delgado under arrest. Delgado made the defense that Salcedo had executed his father and displayed his head on a pole in San Antonio, and that Gutiérres had given him permission to wreak this ter-

rible vengeance. The Americans then deposed Gutiérres, and many of them, including Kemper, Lockett and Ross, left for the United States.

Captain Perry remained, however, with a force said to consist of eight hundred Americans, in spite of the defections—so rapidly had reinforcements come from across the Sabine—and the invading army continued in control of San Antonio. General Arredondo, commandant of the eastern internal provinces, learning of the murder of Salcedo and his staff, sent a force under General Elisondo to drive the invaders from the town and to eject the Americans from Texas. Elisondo approached San Antonio in June, 1813, but the Americans met him and in a pitched battle completely defeated him and sent the remnant of his army scurrying across the Rio Grande.

The "republicans" now seemed firmly entrenched, being completely in control of Texas, and from this base proposed to invade the interior of Mexico. In July Don José Alvarez Toledo, a Spanish revolutionary who had been a member of the cortes in Spain, and had fled to the United States, came from Louisiana and established a governing junta at San Antonio. He was elected commander in chief of "the republican army of the north," and plans were set under way to establish civil government in Texas and to proceed to carry the "revolution" south of the Rio Grande. The residents of San Antonio seemed to be in thorough sympathy with the movement, and everything was going well. With new forces to be recruited in the United States, it was expected that a triumphant march to Mexico City would soon be started.

But Arredondo did not wait for the "republicans" to cross the Rio Grande. The course events had taken in Texas called for prompt action, so placing himself at the head of an army, he proceeded toward San Antonio. Learning of his approach, Toledo went out to meet him, and thus fell into a trap Arredondo had prepared. Besides the Americans under Perry, Toledo's forces consisted of about twice as many Mexicans and a party of Indians. The Mexicans are said to have fled in confusion at the outset of the battle, and the Americans and Indians were left to fight Arredondo's superior army alone. The result was the practical destruction of the "republican" army. Arredondo took possession of San Antonio and proceeded to chastise the inhabitants for their sympathy with the revolutionists. Perry escaped across the Sabine with ninety-eight men, all that remained of the Magee expedition, which at one time had numbered nearly a thousand Americans.

This utter failure of an enterprise which for a time seemed so successful, and which excited Americans throughout the Southwest, put a quietus upon activities in connection with the revolutionary movement in Mexico. Morelos was executed in 1815 and things quieted down in the interior. But in 1816 a new activity sprang up on the Texas coast, and here again American adventurers played an important part. Early in that year, Luis de Aury, bearing a commission from the Morelos "congress" as "commodore of the fleet" of the revolutionary government, took possession of Galveston island and established a base for operations in the gulf against Spanish shipping. He gathered around him a force of men, said to have come from the four

corners of the earth, and among whom were many Americans, and opened up war on Spanish commerce. This was the ostensible aim of his activities, but there is evidence that the crews of the privateers in his service were not particular about the flag a prize ship might be flying if it gave promise of a rich cargo, and it is certain that a considerable business was carried on in the smuggling of negroes into Louisiana in violation of the law of 1808, prohibiting the importation of slaves into the United States. The plain truth is that Aury's commission as "commodore" was used as a cloak for piracy, and the "government" which he set up on Galveston island was little else than a pirate organization. Indeed, it is said that a number of substantial men in New Orleans were interested in the enterprise, and that it was quite profitable.

Aury was soon joined by Captain Perry, whose experience in the Magee expedition apparently had not cured him, and who brought with him a force of one hundred men. Then in September, 1816, there arrived at Galveston, Xavier Mina, a Spanish officer who had served in the Peninsular war, but who had been compelled to leave Spain because of republican ideas. Mina brought with him three ships and a force of about two hundred men.

Mina's purpose was to invade Mexico from the coast south of the Rio Grande, and he sought to enlist Aury in the enterprise. Aury was not enthusiastic, probably because of the lucrative nature of his "war on Spanish commerce," but he finally consented to accompany Mina and Perry. Accordingly, after setting fire to the buildings Aury had erected on the island, the party

started for the coast of Tamaulipas in April, 1817. They entered Santander river and easily captured the town of Soto la Marina, some distance inland. After having landed the force, however, Aury washed his hands of the undertaking and set sail for Galveston island. Mina and Perry had some temporary successes and they proceeded to the interior, but Arredondo took quick and decisive action in dealing with this latest invasion. Mina was captured and executed and Perry escaped across the Rio Grande with a remnant of his band. The latter encountered a superior force of Spaniards near La Bahía and, to avoid capture, he is said to have committed suicide, just as his erstwhile commander, Magee, is said to have done four years before.

Aury hastened back to Galveston island to resume his piratical operations. But he was too late. Another "commodore" with a revolutionary commission had seized the opportunity presented by his absence and had taken possession of the island. This was Jean Lafitte, the famed Barrataria buccaneer, who had been compelled to leave his old haunts out of respect for the American navy. Finding himself thus superseded, Aury transferred his operations to the Florida coast, and Lafitte proceeded to build the pirate town of Campeche, on the site of the present city of Galveston. Lafitte organized his band into a "government," and formally swore allegiance to the republican cause in Mexico. In this "holy" cause he began such war on Spanish commerce and, incidentally, the commerce of some other countries on the side, that he finally attracted again the attention of the American government, which ultimately put him out of business in 1822.

Lafitte was at Galveston island in 1820, at the very moment Moses Austin was on his way to San Antonio. Dr. James Long, who had led an expedition into Texas the year before, after the indignation meeting at Natchez over Monroe's "surrender of the rights of the United States," was in New Orleans organizing another expedition. He had failed to interest Lafitte in his enterprise, but he had built a fort at Bolivar Point, and was now recruiting forces for another effort. He had a great scheme of conquering Texas and establishing a government that would sell the land to settlers at one dollar an acre. Lafitte found the sea more profitable for the present, however, though he told Long that he had his good wishes.

In all of these activities adventurous Americans had been conspicuous. The Magee expedition was almost entirely an enterprise of Americans, many of Aury's associates were Americans, Perry's band was made up of Americans, Lafitte himself was nominally an American, with many Americans among his men, and finally Long's project was an out-and-out American proposition. The United States government had made some effort to deal with these gentlemen, and some of them had been indicted at New Orleans for violating the neutrality laws. But the Spanish colonial officials, far from being reassured by this, firmly believed the United States had designs on Texas. Whatever Americans might have thought of the treaty of 1819, the officials of New Spain saw in it chiefly another successful encroachment upon Spanish territory. Many of them had expected to see the king of Spain recover Louisiana, after the fall of Napoleon, and had freely predicted

JEAN LAFITTE.

this would take place, but instead they had witnessed more Spanish territory transferred to the United States. Would Texas be next? Something of this sort fairly represents the view taken by Spanish colonial officials in 1820.

Meantime, Arredondo, who had distinguished himself in suppressing rebels, and who had captured Hidalgo in 1811, had been commandant of the eastern internal provinces, including Texas, for some time. He had had much trouble with Americans, most of it, as has been seen, being concerned with keeping them out of Texas. He had also been called upon to eject a colony of French veterans of the Napoleonic wars who had settled on the Trinity, in 1818, without so much as awaiting Spanish permission to enter the province. But nearly all his troubles had been with Americans, and he was determined to keep them off Texas soil. He suspected that Long was contemplating some further move, and had given Martínez, then governor of Texas, the most emphatic instructions to the effect that Americans were not to be permitted to enter Texas under any pretext. Arredondo did not have a high opinion of Martínez, a circumstance of which the latter was perfectly aware, and coupled with these instructions was the hint that failure to obey them to the letter might result in serious consequences. So Martínez had promised faithfully to carry them out.

Such was the condition of affairs when Moses Austin, unannounced, unaccompanied, and without a passport, arrived in San Antonio, sought out the government house and asked to see Martínez.

CHAPTER IV.

MOSES AUSTIN LEADS WAY.

WHO was this man Moses Austin? How did he come to the decision to make the long and perilous journey through the wilderness to set before the authorities of New Spain such a preposterous proposal as that of settling Anglo-Americans in Texas? On what ground did he expect to obtain their consent to such a plan? Was he merely a dreamer who closed his eyes to facts and thus brought himself to believe in the probability of the impossible? Or did he take into consideration facts of the situation which were overlooked by men of less insight? As has been said, most men of his day would have regarded his project as impractical and his journey as a fool's errand. Why did he think differently about it?

Far from being an impractical dreamer, Moses Austin was a man of practical common sense, and he had decided to make this journey only after mature and deliberate consideration of the project from every angle. Two events had conspired to induce him to undertake it. One was the panic of the previous year, which had swept away all he possessed. At the age of fifty-four years he found himself penniless and faced with the necessity of starting life anew. The other event was the signing of the treaty fixing the boundary between New Spain and the United States at the Sabine. The one factor was his own necessity. The other, as

he saw it, was New Spain's. For, while the treaty settled finally Spain's legal title to Texas, Moses Austin had come to the conclusion that in order to prevent that territory from becoming a complete wilderness over which the Indians would regain absolute sway, and to protect it from encroachment by the United States, such as had just resulted in the loss of Florida, Spain would be compelled to settle up the country without delay. There was no hope of settling it with Spaniards or Mexicans. A century of effort to that end had failed. And if not by Spaniards and Mexicans, then by whom? Moses Austin reasoned that Anglo-American colonization was Spain's only hope, and he expected to convince the authorities of New Spain of this.

It is a fact worthy of remark that Moses Austin was the first man to recognize this situation. He recognized it not only before any other American, but before it was recognized by the authorities of New Spain themselves. That he should appreciate its significance was due in large measure to his previous history, and the part he had taken in dealing with a similar situation in Upper Louisiana, when it was a Spanish dominion, prior to its purchase from Napoleon by the United States. Twenty-three years before he had been one of those Americans who moved into the Spanish domain and became Spanish subjects, when the settlement of the frontier was a problem in Upper Louisiana. The same problem, it seemed, now presented itself in Texas.

The policy of receiving non-Spanish settlers into its dominions bordering those of another country had been followed by Spain in the past, and it will help to an understanding of Moses Austin and his mission if this

is borne in mind. He had observed that policy in operation and had seen it bear good fruit. He now proposed that it should be applied to Texas.

Almost from the time that Spain took possession of Louisiana, after the treaty of 1765, the question of the settlement of the frontier in Upper Louisiana presented itself. And, well-nigh from the outset, desirable foreign settlers were admitted. The fact that the original settlers of that region themselves were not Spanish, but French, and were obliged to take the oath of allegiance to Spain, may have made this policy seem natural. In any event the first foreigners admitted after the Spanish occupation were remnants of the unfortunate Acadians and a number of French Canadians who, after the transfer of Canada to England, desired to live in a Catholic country.

But as early as 1776 we find Don Francisco Bouligny, "captain of the battalion of infantry in the province of Louisiana," advising as one of the measures calculated to render impotent the English settlement of Manchac on the east bank of the Mississippi, near the Louisiana border, the admission of English Catholics from that settlement into the colony. Indeed, he even suggests that this might be extended to include non-Catholics. "For," said he, "it is so important for the state that Manchac should not prosper, that any individual should be admitted, whatever be his nation, especially if he comes with his family and his negroes."

During the Revolutionary war, in which the Louisiana colonists fought as allies of the Americans, a friendliness naturally developed between them and refugees from the English colonies settled in Louisiana. In

1779, for example, Galvez, the governor of the province, visited the newly established town of Galveztown at the junction of the Amite and Iberville rivers, which had been founded by "English and Americans who had fled to the possessions of the king of Spain." They petitioned that the name of the town be not changed, "as they had found a refuge there during Galvez's administration." These and other refugees from the English colonies were permitted, by royal order, to remain permanently in Louisiana after the close of the war, and from that point forward, practically until the transfer of Louisiana to the United States, foreigners, and especially Anglo-Americans, were admitted as colonists.

Indeed, it became the policy of Spain to encourage such immigration into Upper Louisiana, and contracts for the settlement of a stated number of families were granted to colonizers, or "empresarios," as they came to be called, as early as 1788. In that year the Spanish minister at Philadelphia arranged with Col. George Morgan, of New Jersey, a veteran of the Revolutionary war, to found a colony on the west bank of the Mississippi, in Upper Louisiana. Colonel Morgan selected a site opposite the mouth of the Ohio river, which he bombastically declared to be the most important spot, both from a commercial and military standpoint, in the whole of Louisiana. He gave it the high-sounding name of New Madrid, and he expected it to rival the ancient Castilian capital in importance. He projected many ambitious plans for his colony, some of which the Louisiana authorities refused to approve because of their progressive democratic character, but he did in-

troduce a number of families, all of whom were given generous land grants, and at the time of the transfer of Louisiana to the United States, New Madrid had a population of about eight hundred. Incidentally, Colonel Morgan was one of the witnesses against Aaron Burr in the conspiracy trial in 1806.

In this connection also it is to be noted that prior to the treaty of 1795, the authorities at New Orleans intrigued with Gen. James Wilkinson, of Kentucky, subsequently commander in chief of the American army, and who also figured as a witness against Burr, to detach the territories of Kentucky and Tennessee from the United States and attach them to Louisiana. This intrigue was fruitless, but it serves to illustrate the policy of Spain at this time, for had it been successful it would have brought a great number of Anglo-Americans into the jurisdiction of the province. Moreover, Miro, the governor of Louisiana who had most to do with Wilkinson, encouraged immigration from the American territory into Upper Louisiana. Indeed, special inducements were made to get them to immigrate, and Miro even went so far as to guarantee that such immigrants would not be molested in the matter of their religion.

An incident which occurred in 1788, and which is authenticated by a dispatch from Miro to the home government, dated June 3, 1789, is very illuminating on this point. A Capuchin priest arrived in Louisiana as "commissary of the Spanish inquisition," and applied to Miro for military assistance in carrying out the duties at his office. Instead of granting the cooperation requested, Miro had the priest arrested at night and placed

on board a vessel about to sail for Spain. Reporting the affair to the home government, Miro said: "His majesty has ordered that I should foster an increase in population, admitting the inhabitants living on the banks of the rivers that flow into the Ohio. . . . These people were invited with the promise of not being molested in matters of religion, although the only mode of worship was to be the Catholic. The mere name of the inquisition of New Orleans would not only suffice to restrain the immigration already beginning to take place, but might cause those who have recently arrived to retire, and I even fear that, in spite of having ordered Father Sadella to leave the country, the cause may be found out and have the most fatal consequences."

This policy of encouraging American immigration was continued and many Anglo-Americans and other foreigners were admitted under contract and as individuals during the next ten years. If it had any effects injurious to the interests of Spain, there is no record of them, and the policy might have been continued indefinitely had it not been interrupted temporarily during the controversy with the United States over the question of a port of entry on the Mississippi, and had not the province been transferred to Napoleon before that controversy was finally settled.

How well the policy was regarded in Louisiana is strikingly shown by the fact that Napoleon was strongly urged to continue it when he should take possession of the province. Col. Joseph Xavier Delfau de Pontalba, a native of New Orleans of French parentage, sent a memoir on Louisiana to Napoleon under date of Septem-

ber 15, 1801, in which, among other things, he discussed the whole question of settling Louisiana. He wrote without any anticipation that Louisiana would be sold to the United States, and he specifically recommended that the Spanish policy of settling Upper Louisiana with Anglo-Americans should be continued. "It will be of the highest importance to employ extraordinary means to people Louisiana," he wrote, "so that she may defend herself." He then proceeded to point out why the admission of Americans would be wise and safe.

"At first sight," he said, "it seems dangerous to people Louisiana with foreigners, but her singular situation with regard to the people on the Ohio is such that they should be considered as at home, for we may assume that, from those districts, those inhabitants have more facilities for invading Louisiana than they would have for revolting, if they were established there, with this difference, that, in the first case, the invasion would be glorious, and embarking on the Ohio, favored by the swiftness of the current, they would find themselves in Louisiana before anyone knew they had thought of it; while once emigrated and received among us with promise of fidelity to the republic, those who would undertake a revolt, not being able to do so without being known, would risk everything, and far from finding glory, would only expose themselves to condemnation as traitors. . . . Similar motives decided the king of Spain, in 1790, to give orders to the governor of Louisiana to receive there all immigrants who should present themselves from those provinces, to give them lands, and to establish districts, six leagues distant from each

other, in the center of which there should be a church, a house for a commandant, and an Irish curate, but with orders not to trouble them in their creed."

Napoleon never had occasion to act upon this advice, for two years later he sold Louisiana to the United States, but Pontalba's memoir tends to show how the policy was regarded in the province itself.

It will not be necessary to enumerate in detail the projects of various empresarios who received contracts for bringing settlers into Louisiana, some of which were successful and some not, but two projects should be noted because of the part their projectors subsequently played in the opening of Texas to colonization. One of these men was Felipe Enrique Neri, known as the Baron de Bastrop, and the other was Moses Austin.

Baron de Bastrop was one of the many nobles who fled to America when the Reign of Terror in France startled all of Europe. He was a Hollander and had been in the Prussian service under Frederick the Great. When the army of revolutionary France overran Holland he escaped to America and found refuge in Louisiana, taking the oath of allegiance to the Spanish crown. He conceived the ambitious idea of growing wheat in Louisiana and establishing flour mills to supply not only the needs of the province, but even for export to other parts of the New World. Carondelet, then governor of the province, thought well of the plan, and being desirous of seeing a settlement established on the Ouachita river in Lower Louisiana as a bulwark against settlements in American territory on the east bank of the Mississippi, he even consented to pay the transportation expenses of all persons Baron de Bastrop should

induce to come from the United States to such a settlement and to provide for their support for six months after their arrival.

This contract, which included a large grant of land, was made on June 20, 1797, and Baron de Bastrop set forth to obtain his colonists. Before he returned to New Orleans with ninety-nine persons, Carondelet had been replaced as governor by Manuel Gayosa de Lemos, who was not in sympathy with the broad policies which had been followed by previous governors in the colonization of Louisiana, and who raised many objections to the contract. He ordered its suspension until it could be passed upon by the king, and a long litigation resulted. But Baron de Bastrop made a start toward establishing his colony, and it is interesting to note that the towns of Bastrop and Mer Rouge, which were the scene of the Ku Klux Klan investigation in 1922 and 1923, thus had their beginning. The land involved in this grant afterwards figured in the Burr conspiracy trial as "the Washita lands," for it was the Bastrop grant which Burr purchased from Col. Charles Lynch in 1806, and the settling of which he claimed was the object of his expedition.

When Louisiana was ceded to Napoleon it is probable that Baron de Bastrop prepared to leave the province, inasmuch as it was from the French power that he had fled to America. In any event, when Louisiana was subsequently sold to the United States, he elected to remain a Spanish subject, crossed the Sabine into Texas and took up his abode at San Antonio.

Just about the time that Baron de Bastrop was unfolding to Carondelet his great plans for supplying

Louisiana with flour, Moses Austin arrived in Upper Louisiana filled with another ambitious plan, that of developing the lead mines west of St. Genevieve. Austin was born at Durham, in the British colony of Connecticut, in 1765. He had been a member of the importing house of Stephen Austin & Co., of Philadelphia, and when a branch was established at Richmond, Va., under the firm name of Moses Austin & Co., he moved to that place. During the Revolutionary war a considerable lead industry had been developed in the neighborhood of Chiswell, Va., the mines being worked vigorously to obtain material for bullets, and after the war this was one of the "infant industries" which had grown up as a result. It is probable that the panic of 1785-86 and the general depression which followed affected the business of this industry materially. In any event, some time after this Austin's company seized the opportunity to buy the lead mines in Wythe county, with the purpose of developing them. Austin moved to the mines and established the town of Austinville on New river. He was the first to bring English miners and manufacturers of lead to America, and he established a manufactory of shot and sheet lead at Richmond.

In 1796, finding that the mines on New river were ceasing to be productive, and learning from a man who had just returned from Upper Louisiana that there were rich lead deposits in the region of St. Genevieve, he decided to investigate. The treaty of 1795, fixing the boundary between the United States and the Spanish domain, had just been signed, and Austin applied to the Spanish minister at Philadelphia and obtained a passport to enter the territory. With a retinue of servants, he set

out on horseback in the autumn of 1796, and reached St. Louis, after a perilous journey through the wilderness, in mid-winter.

Austin's entrance to St. Louis was in a manner calculated to impress the Spanish authorities with his importance. Clothed in a long, blue mantle, lined with scarlet and embellished with lace and embroidery, and riding his best horse, he traversed the main street of the town, past the house of the commandant, followed by his whole company. This performance had the desired effect, for the commandant, struck by the appearance of Austin and his company, and convinced that surely be must be a person of rank, immediately sent a messenger to invite him to his house. Being well received by the commandant, Austin made known his mission, with the result that his petition for a grant of lands was promptly transmitted to the commandant at St. Genevieve with the highest recommendations.

Under date of January 27, 1797, Francois Valle, commandant of St. Genevieve, granted a contract to Moses Austin to settle thirty families in Upper Louisiana, the settlers to be given lands in accordance with their trades, their means and the size of their families. Two months later he obtained from Governor Carondelet a grant of a league of land, including the lead mines at "Mine A Burton," forty miles west of St. Genevieve. Austin moved his family from Virginia to St. Genevieve the following year.

At that time the region around "Mine A Burton" was in complete control of hostile Osage Indians. The colonists had been compelled to remain in St. Genevieve and other well-established villages during the winter

and the mines were worked only in the summer by parties of workmen from St. Genevieve. Austin resolved to change this situation and to plant a permanent settlement in the region of the mines. He set about establishing a village at "Mine A Burton," in spite of menacing activities of the Indians, and finally, in 1802, he had a finish fight with the savages. The latter attacked the village, but were driven back with the aid of a three-pounder Austin had taken the precaution to provide. After that he had no more trouble with them and thus was started the first permanent settlement in what is now Washington county, Missouri.

Austin developed the lead mines at "Mine A Burton," erected regular smelting furnaces and mills, and his settlement soon became the center of a thriving population. He was a good Spanish subject and served his adopted country well in helping to subdue the wilderness and to add to the wealth of the province. At the same time he laid the foundations of his own fortune and was on the way toward becoming an important man in the province when Louisiana was purchased by the United States.

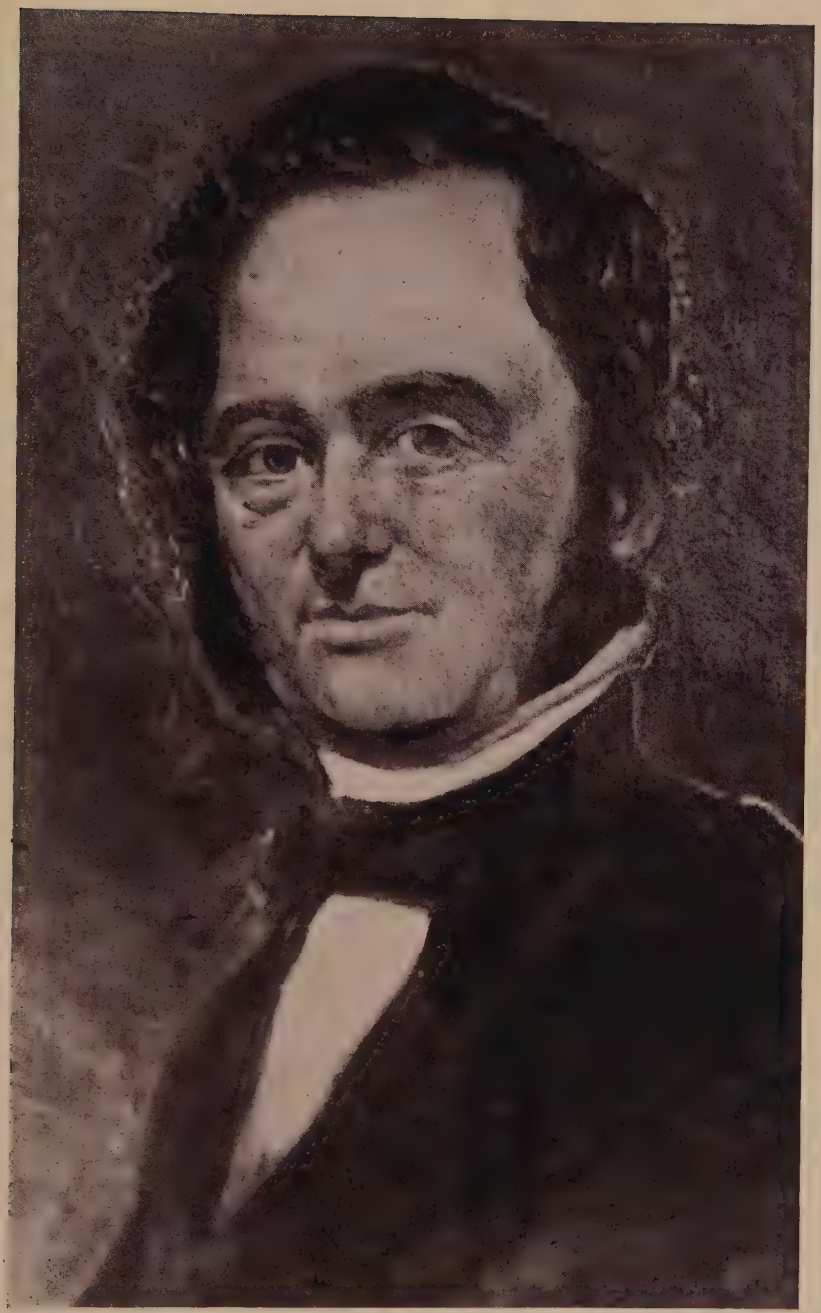
Upper Louisiana was formally transferred to the United States at St. Louis on March 9, 1804, and Moses Austin found himself again an American citizen. The country began to settle up more rapidly as an American territory and he took a leading part in its development. He acquired a considerable fortune and was the leading stockholder and practically the founder of the Bank of St. Louis. Then the panic of 1818 hit him. For, like all frontier banks of the day, the Bank of St. Louis did an extensive business with the land speculators who

borrowed money to buy public lands to be sold to settlers at a profit. When the panic came, which was one of those periodical spasms of depression following a period of inflation and "prosperity"—in this case being the aftermath of the Napoleonic wars and the war of 1812—it sent land values down rapidly along with all other values. In the crash the Bank of St. Louis collapsed and the fruits of twenty years of Moses Austin's labors in the wilderness were swept away. Thus it was that he found himself penniless at the very moment that a new Spanish frontier was established by the treaty of 1819. Except that he was well advanced in years, his situation was very much the same as that which he had faced in 1796. It was the failure of his lead enterprise in Virginia and the signing of the treaty of 1795, ensuring, as the latter did, that Spanish grants west of the Mississippi would be valid, that had resulted in his turning to the wilderness and to Spain more than twenty years before. Now he was faced again with the necessity of making a new start, and now another treaty had been signed, a treaty that would make Spanish grants in Texas valid. It was quite natural that it should occur to him to begin again in the same fashion that he had begun as a younger man in similar circumstances. He discussed the matter for several days with his son Stephen, and finally the decision was made. He would turn again to the wilderness and to Spain. And so it came to pass that in the autumn of 1820 he made the eight hundred mile journey on horseback to San Antonio de Béxar.

The arrival of Moses Austin in San Antonio de Béxar was very different from his arrival in St. Louis more

than twenty years before. Then he rode with his party boldly past the house of the commandant, clad in a fashion calculated to impress beholders with his importance. Now he was alone and his appearance was anything but prepossessing. Then the commandant, curious to learn the identity and business of his distinguished visitor, sent a representative to call upon him and invited him to his residence. Now he found a very different reception. The governor, Martínez, was mindful of the orders he had received from Arredondo not to permit foreigners, and especially Americans, to come into Texas. He was so disturbed by the sudden arrival of Austin at the government house, unannounced and without warning, that, without inquiring into his business, he ordered him to depart immediately. It was in vain that Austin attempted to converse with him pleasantly in French, which both understood. Austin was an American, was he not? That was enough. He must begone without delay! It was in vain also that Austin sought to show him his papers testifying to the fact that he had been a Spanish subject in Louisiana. Martínez would not read the papers. He would not look at them. Arredondo's orders had been unequivocal. Austin must get back across the Sabine as quickly as he could travel.

Austin left the government house, dejected. There was nothing to do but to obey the governor's order. He had tried every means of inducing Martínez to listen to him, but had failed. He was fortunate, indeed, that he had not been placed under arrest. If he attempted to remain even long enough to rest from his fatiguing journey he probably would be arrested. The fine plans



MOSES AUSTIN.

From Copy of Painting in the Jefferson Memorial Museum, St. Louis, Missouri.

for a colony in Texas had come to naught, apparently. He must set out at once for the border and abandon the enterprise. Stephen Austin tells us that his father "was determined to quit the place in an hour, being much disgusted and irritated at his reception by the governor."

Then there occurred one of those little accidents such as have frequently changed the course of history. Crossing the plaza, after leaving the government house, Austin came face to face with a friend he had not seen in years, and whose very existence he had all but forgotten. It was the Baron de Bastrop, now an aged man, who, as has been already recounted, had proposed to introduce Anglo-American settlers into Spanish Louisiana and establish a wheat and flour industry in that province just about the time Moses Austin had received his lead mine concession in Upper Louisiana. When Louisiana was transferred to the United States, Baron de Bastrop had moved to Texas. He was now living in great poverty in a single room in San Antonio de Béxar. But being a man of talent and education, a gentleman by birth and training, he had much influence at the government house and enjoyed the confidence of Arredondo. Austin greeted the baron with the joy one would expect him to feel at coming upon a familiar face in such a place and in such circumstances.

The meeting was almost providential. Baron de Bastrop was just the man to understand Austin's proposal in all its details and to appreciate its timeliness and importance. Like Austin, he was familiar with the problem of its frontier which Spain had faced in Louisiana and the measures which had been adopted to meet

it. He had witnessed the collapse of the Spanish attempt to colonize Texas and had lived through the American invasions of the recent past. He knew from experience that even San Antonio was not safe against Indian attacks and that there was little or no probability that the situation would improve in this respect. No man in all Mexico, perhaps, could better realize that it was necessary to settle the region between San Antonio and the Sabine, and that it was futile to expect it to be settled in the very near future by Spaniards or Mexicans. They were moving out of Texas rather than into it. Indeed, Baron de Bastrop must have recognized, just as did Austin himself, that the only hope of colonizing Texas was to admit Anglo-Americans. That policy had been successful in Louisiana, and its temporary discontinuance had been due to causes not inherent in the policy itself. Baron de Bastrop, in any event, had been its advocate to the last, and Austin's success in developing the lead mines and settling the wild region west of St. Genevieve had been one of the fruits of that policy. Moreover, there seemed little choice as to Texas. After a century of effort and the expenditure of great sums of money, the Spaniards had failed in the colonization of the province, Baron de Bastrop was just the man to recognize at once that Austin's proposal offered a solution, if not the only solution, of the problem of New Spain's frontier.

Baron de Bastrop took Austin to his room, and there the latter unfolded to him the details of his project. Austin told him of his failure with Martínez and of the order for his immediate departure. The baron approved of the project as thoroughly feasible and expressed the

opinion that the authorities could be brought to consider it. But first a stay of the order to leave the province must be obtained. Austin was tired and ill, and the baron undertook to urge this as a reason why the order should be held up. He would point out to Martínez that Austin should not be compelled to begin the return journey until he was fully rested. He would testify to Austin's character and to the fact that he had been a loyal subject of Spain in Louisiana.

Upon such representations from Baron de Bastrop, therefore, Martínez consented to permit Austin to remain until he was better able to travel. In the meantime, the baron became Austin's agent and proceeded to set before the governor the advantages of the project. He presented the whole matter with such force that by the end of a week Martínez and the ayuntamiento of Béxar united in recommending a petition to Arredondo and the provincial deputation at Monterey for permission to Moses Austin to settle three hundred families in Texas.

Leaving Baron de Bastrop as his agent, and with assurances of success, Austin set out on his return journey. Under date of January 17, 1821, Arredondo notified Martínez from Monterey that the petition had been granted. Moses Austin never saw a copy of the grant. He suffered great hardship and exposure on the return trip from San Antonio and was taken seriously ill shortly afterwards. After arranging with his son, Stephen, to carry the project through, he died in Missouri on June 10, 1821.

But Moses Austin had set in motion the history of modern Texas. The mission of the lone rider to San Antonio de Béxar had proved successful.

CHAPTER V.

IN HIS FATHER'S FOOTSTEPS.

In 1818 there was a young man in the territorial legislature of Missouri who already had attracted some attention and who, it was agreed, had a splendid career ahead of him. He was only twenty-four years old, and yet he had nearly five years of legislative experience to his credit, and had already gained the respect of no less a man than Thomas H. Benton, who had moved to Missouri only three years before, and who was just then emerging into a leadership which was destined to become national in scope and influence. He was a quiet-mannered young man, but with a maturity of mind in advance of his years and an education far above the average of frontier public men in that day. In addition to these advantages, he was reasonably wealthy and had just been made a director of the Bank of St. Louis. His achievement already was considerable, in view of his youth, and his prospects were extremely bright.

Such was Moses Austin's eldest son, Stephen Fuller Austin, in 1818. He had come with his father to the Spanish province of Louisiana when he was but five years old, and had spent his boyhood in the wild frontier country around St. Genevieve. In 1804, when Upper Louisiana was transferred to the United States, he was sent to Connecticut in order to attend better schools than the frontier afforded, and he spent four years in good educational institutions at Springfield, Colchester

and New London, in that state. In his sixteenth year he returned to the West and studied for two years at Transylvania college, Lexington, Ky., after which he joined his father in the business of smelting and manufacturing lead in Missouri. He early became interested in public affairs and in 1813, when Missouri was cut off from Louisiana and erected into a territory, he was elected to the territorial legislature. He had prospered both in public life and in business, being reelected to the legislature at each recurring term and achieving the distinction of a bank directorship before his twenty-fifth birthday.

Those were momentous days in Missouri. Great projects were in the air, not the least of which was the proposed admission of Missouri into the union as a state. The southern part of the territory would be separated from the new state and made into the Territory of Arkansas, and Stephen participated in the preliminaries looking toward bringing about these great changes. The faces of all men were turned to the future. It was a time of progress—the beginning, as men thought, of a new era. There were opportunities on all sides for men of talent and energy, and for few was the future brighter than for Stephen Austin.

Then the panic swept over the country. Prosperity, which had been general for several years, came to a sudden halt. The Bank of St. Louis collapsed and the Austins turned over everything they possessed to the creditors. From an apparently secure position and certain outlook, Stephen Austin's condition changed overnight. When the storm had passed he found that he and his father were penniless.

Besides his father and mother, the family included two other children, both younger—a brother, James E. B. Austin, who was sixteen at the time, and still in school, and a sister, Emily, who was the wife of James Bryan. It was to Stephen, therefore, that the father naturally turned in discussing the problem of rehabilitating the family fortunes. Father and son discussed their situation and prospects for several days at Durham Hall, the family home which Moses Austin had established at "Mine A Burton." This was in March, 1819, and it was during these discussions that the father first made the proposal of colonizing Texas. The treaty with Spain, fixing the Texas boundary at the Sabine, after fifteen years of controversy, had been signed in February, and it was the news of this event that put the idea in Moses Austin's head. He had made one fortune in the wilderness. He had laid the foundations for that fortune under Spanish rule. He could do it again. He was no longer young, it was true, but if his son Stephen would agree to help him he would undertake it. And so he made the proposal to Stephen.

The son did not take to the idea so enthusiastically as the father. There seemed better opportunities nearer home. For one thing, there was Arkansas. Now that Missouri was to be made a state, the development of that part of it which would be erected into a new territory would offer many opportunities. It was not necessary to go to the extreme of alienating themselves from the United States and removing to a country under the domination of a despotic government. Besides, there was little hope that the Spanish authorities would consent to such a plan. Things were very different from

what they had been in 1796. In short, Stephen knew he could make a career for himself either in Missouri or Arkansas. He was young, he had ability, experience and education. He was in a new country in which these qualifications insured success to any man of good character and industry. He had friends, and in spite of his reverses, had attained a standing among men that would help him to succeed.

But the father was filled with the idea. The more he thought about it the stronger it took hold of his imagination. Moreover, there were advantages to be urged for the Texas plan. A man without very much capital had a better chance of succeeding under the Spanish land system than under that of the United States. The Spanish system in Louisiana, which was what Moses Austin had in mind, and which had enabled him to make his start more than twenty years before, was based on the motive of promoting colonization. Settlers were dealt with liberally. The motive behind the American system up to that time had been the raising of revenue, and this lent itself more easily to speculation. In a sense it had been the American land system, or rather the speculation which that system made possible, that had brought about Moses Austin's ruin. He might have weathered the panic had it not been for the relation of the Bank of St. Louis to land speculation. It was not surprising that he should feel very strongly on the subject. If the Spanish authorities could be induced to apply to Texas the same policy which had been followed in Louisiana, a colonization project would offer a very bright prospect.

The result of this discussion seems to have been a com-

promise. The plan was adopted, but Stephen was not yet convinced it would succeed. He came to believe, he said later, "that the probabilities of success or failure were almost equal." Meantime, however, it was agreed also that Stephen should move to the new territory of Arkansas, taking a farm near the Texas border, which might be utilized in connection with introducing settlers into Texas if the Spanish authorities agreed to the plan. At the same time Stephen would be making a start in that territory. Accordingly, within thirty days he established a small farm at Long Prairie, on Red river, in Arkansas, and he also located a land claim on the site of Little Rock, which city was subsequently founded by his brother-in-law, James Bryan. Then Governor Miller appointed him as one of the circuit judges for Arkansas Territory. It was plain that if he elected to remain in Arkansas he would soon be well on the way toward making a career for himself.

Stephen had been at the Long Prairie farm scarcely two months when the whole section became excited over the news that Dr. Long and his followers had established the "independent republic of Texas" at Nacogdoches. To most of the frontiersmen this was taken to mean that Texas would soon be in the hands of Americans. But to Stephen it seemed an end of his father's scheme. When Long and his followers were ejected by the Spanish forces, and when most of the Mexican settlers at Nacogdoches fled across the border to the United States, it seemed to create a situation which made the scheme even less practicable than before. But his father did not waver in his determination to make the attempt as soon as he could put his affairs in such shape as to

permit it. So, in the autumn of 1820, nearly two years after the conference at Durham Hall, he completed his plans and started on the journey to San Antonio de Béxar.

Falling in with his father's plans, Stephen now went to New Orleans to make arrangements for organizing a colony in the event the mission to Texas was successful. It being necessary for him to support himself in the meantime, he obtained employment on a newspaper. He was not unknown in New Orleans, for his father used to ship lead products to that city, and he had made the journey down the river with a cargo as early as 1810, as a youth of seventeen. Moreover, Joseph Hawkins, a classmate with whom he had been at Transylvania college, was established at New Orleans as an attorney of some prominence, and Stephen now renewed relations with him.

At Hawkins's invitation Stephen began to devote his spare time to the reading of law in his friend's office, and the two saw a great deal of each other. Very naturally the Texas project was often the subject of conversation and Hawkins became very much interested in it. He saw great possibilities in it if the Spanish authorities would agree to open the province to colonization.

Meantime, Moses Austin was returning from San Antonio de Béxar with the assurance that his petition would be granted. It was a hard enough trip at best, but to make matters worse, he fell in with a company of men who, after gaining his confidence, overpowered him, robbed him of everything he had and left him in the wilderness to die. Entirely exposed to the weather and without food except such as he could find along the

way, he suffered great hardship and privation. By the time he reached the Sabine he was so ill that he was compelled to remain at the house of Hugh McGuffin, on the American side of the river, for three weeks. From here he dispatched letters home and to Stephen at New Orleans. Elias Bates, a nephew, came on from Missouri to meet him, and found him "greatly afflicted with a pain in his chest, caused by a severe cold he had contracted during his trip of exposure and privation."

Upon receiving news of his father's return, Stephen went to Natchitoches in expectation of meeting him, but he had left with Bates for Missouri a few days before. Stephen found there, however, a number of men who already had engaged to join the Texas expedition in the event the petition was granted, and after conferring with them he returned to New Orleans. Moses Austin now set about making arrangements for a colony. He planned to return to Natchitoches by the latter part of May, and notified several of his prospective colonists to meet him at that place. He put his affairs in shape and settled finally the Bank of St. Louis matter, which left him just about enough funds to outfit an expedition. "I can now go forward with confidence," he wrote to Stephen on May 22, "and I hope and pray you will discharge your doubts as to the enterprise." But his feeble health continued and he was unable to make the start for Natchitoches.

A commission representing the authorities of New Spain, headed by Erasmo Seguín and Juan Martín de Veramendi, arrived at Natchitoches about this time, expecting to meet Moses Austin there and to deliver to him the confirmation of his grant. News of this reached

Stephen at New Orleans, who was also to join his father at that place and go with him to Texas. Upon receipt of this news he left immediately for Natchitoches by steamboat, accompanied by Lieut. William Wilson of Washington, D. C., James Beard of St. Louis and Dr. James Hewitson, all of whom had become interested in the project. The party arrived there on June 26, and was welcomed by a number of other prospective colonists who had come on in response to Moses Austin's notification. Stephen informed Seguín that his father was delayed by illness, but would come on later. It was part of the commissioner's duty to conduct Moses Austin into the province in order that he might select a site, but he expressed the opinion that there would be no difficulty in having Stephen act in his father's stead. It was agreed, therefore, that they should return to Texas together.

Most of Austin's party started for the Sabine on July 3, and Stephen himself followed on the 6th. The next day he overtook them and they proceeded together. On July 10 they were overtaken by a man whom Stephen had left in Natchitoches to await the arrival of his mail, and who brought the sad tidings that news had been received there that Moses Austin was dead. The messenger had come on without waiting for the mail, and Stephen decided to return immediately to ascertain whether the report of his father's death was correct and to get his mail.

The rest of the party continued on their way and crossed the Sabine the same day, leaving Lieutenant Wilson at Camp Ripley, on the American side of the river, to await Stephen's return. In this party, according

to Austin's diary, were Edward Lovelace, W. Gasper, Henry Holstein and a man named Bellew from Catahoula, Louisiana, James Beard and William Little from St. Louis, Dr. James Hewitson, W. Smithers and a man named Irwin from Indiana, and two others named Neel and Barnum. Stephen reached Natchitoches only to find that his letters had been sent on in the keeping of Seguín and his party, who had left the day before, and he turned back to overtake them. He came upon their camp at the Terán on the 14th, received his mail, and then proceeded to join Wilson. The news of his father's death was confirmed, for Moses Austin had been dead several days when Stephen left New Orleans. The responsibility of carrying the project forward now rested completely on Stephen's shoulders.

There have been few more striking figures in history than that of this young man—he was then only twenty-seven years old—standing at the very border of the land in which his mission lay, with the sorrow of his father's death filling his heart, facing the responsibility of taking up the work his father had projected, but which now had been passed on to him. For, on his very deathbed, Moses Austin had charged his son to take his place. A letter from his mother, written two days before the father's death, brought him this commission.

"He called me to his bedside," she wrote, "and with much distress and difficulty of speech begged me to tell you to take his place, and if God in His wisdom thought best to disappoint him in the accomplishment of his wishes and plans formed, he prayed Him to extend His goodness to you and enable you to go on with the business in the same way he would have done."

It was with the consciousness of this charge fresh in his mind that Stephen rejoined Wilson at Camp Ripley, and it was with a resolution to fulfill this dying wish of his father that he crossed the Sabine river, and for the first time set foot on the soil of Texas on July 16, 1821.

The death of Moses Austin had brought to a close a life that had been almost an epitome of the progress of Anglo-American civilization across the continent. Beginning in Connecticut, one of the original British colonies, where he was born, its course had taken him first to the frontier of Virginia, where he founded a town in the wilderness, then across the Mississippi into the Spanish domain, and finally across another Spanish border into Texas. The Americans were at the Mississippi when he crossed into Louisiana. Now they were at the Sabine. He had died in the midst of plans to lead the vanguard of the Americans into a new region. But his plans were not in vain, for Stephen had now "discharged his doubts" finally and was determined "to go on with the business in the same way he would have done."

However, it was first necessary for Stephen to have himself officially recognized as his father's successor, and it was chiefly for this purpose that he now journeyed to San Antonio. The confirmation which Seguin was to have delivered to his father was in the form of a letter from Martínez, the governor of the province, quoting an official communication from the commandant general, Arredondo, which in turn transmitted to the governor the resolution of the provincial deputation at Monterey recommending that the petition be granted.

The resolution, to which the commandant general notified Martínez he conformed, was as follows:

"It will be expedient to grant the permission solicited by Moses Austin that the three hundred families, which he says are desirous to do so, should remove and settle in the province of Texas, but under the conditions indicated in his petition on the subject, presented to the governor of that province, and which your lordship transmitted to this deputation with your official letter of the 16th instant. Therefore, if to the first and principal requisite of being Catholics, or agreeing to become so, before entering the Spanish territory they also add that of accrediting their good character and habits, as is offered in said petition, and taking the necessary oath to be obedient in all things to the government, to take up arms in its defense against all kinds of enemies, and to be faithful to the king, and to observe the political constitution of the Spanish monarchy, the most flattering hopes may be formed that the said province will receive an important augmentation in agriculture, industry and arts by the new immigrants, who will introduce them; which is all this deputation have to say in reply to your lordship's aforementioned official letter."

Martínez, in transcribing all this to Moses Austin, directed that he communicate with him as to the time and place of the arrival of the colonists, in order that land might be allotted to them and the arrangements be made for them to take the oath of allegiance to the Spanish crown "in order that they may be from that time considered as members united to the Spanish nation, and enter upon the enjoyment of the benefits which it extends and concedes to its citizens and to Spaniards."

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"I shall also expect," the letter continued, "from the prudence which your deportment demonstrates, and for your own prosperity and tranquillity, that all the families you introduce shall be honest and industrious, in order that idleness and vice may not pervert the good and meritorious who are worthy of Spanish esteem and of the protection of this government, which will be extended to them in proportion to the moral virtue displayed by each individual."

Martínez also informed Austin that a port on the gulf coast had been opened to navigation for the benefit of the new settlers.

Much has been made of the fact that in this, and in subsequent documents relating to the colonization of Texas, it was required that the colonists should be Roman Catholics, and that Stephen Austin never made any attempt to comply with this requirement.

It is necessary to remark here only that this requirement was never enforced, either with respect to Austin's colonists or any others, nor was any attempt ever made to enforce it. Moreover, it was well known to the authorities that neither Moses nor Stephen Austin was a Catholic. That there must have been a general verbal understanding that this requirement was only a matter of form seems certain. Incidentally it is to be noted that in his cautioning words to Moses Austin in the matter of the character of the colonists, Martínez did not insist that they must be Catholics.

The journey to San Antonio required nearly a month of travel, but it was not unpleasant, for traveling in a large company was a much different matter from the lonesome journey Moses Austin had made. But on all

MISSION SAN FRANCISCO DE LA ESPADA.

sides evidences of the failure of the Spanish effort were to be seen. Between the Sabine and Nacogdoches there were a few farms, some of the settlers being Americans who had crossed the Sabine even at this early date. Austin himself mentions Amberson's, eight miles west of the river; English's, twenty-five miles inland, and J. H. Bell's, a little further on. Bell subsequently became one of Austin's colonists. John Cartwright had settled near the present town of San Augustine two years before, and there were a few other hardy frontiersmen who, in defiance of the Spanish power and indifferent to danger from the Indians, had built their cabins in the Texas wilderness. Austin spent his second night in the province at Bell's cabin and then pushed on to Nacogdoches.

Nacogdoches was in ruins, Stephen noting in his diary that only five houses and a church were left standing entire of what had once been a flourishing settlement. While the party waited there, Seguín had the inhabitants to gather in order to receive a message from the government, and only thirty-six persons were thus brought together.

Just beyond Nacogdoches there were two farms, and from that point to San Antonio the country was a complete wilderness. On July 26 Austin's company met two parties coming from La Bahía, who said they had passed three fresh corpses lying in the road, one of a Spaniard and two of Americans, and that nearby was a newly-made grave where another had been buried. This evidently was the work of Indians. One of the parties also imparted the news that Indians had recently committed depredations in San Antonio itself—had killed

men within the town and stolen horses and mules. The inhabitants of the town were said to be much distressed over the situation.

All of this was striking evidence of the waning of the Spanish power in Texas, and throws abundant light on the question of why Moses Austin's proposal to colonize the province under Spanish auspices was so readily accepted. To people Texas with settlers who would "take the necessary oath to be obedient in all things to the government" and "to take up arms in its defense against all kinds of enemies," was certainly desirable. In Texas the Indians had become far more menacing "enemies" than any other, even than invaders from the American side of the Sabine. Neither Spaniards nor native Mexicans could deal with them effectively nor check them permanently. A century of experience had proved that. If peaceful subjects, capable of winning the country from the savages, could be settled in the province the question of "what to do about Texas," which was puzzling the authorities of New Spain, would be answered.

As Austin proceeded on his way to San Antonio he took careful note of the country through which they passed—the character of the soil, the waterways, the timber—and was very favorably impressed. It was indeed a fine country, such as the hardy American frontiersmen could convert into cultivated fields and comfortable homes. That there were difficulties in the way, difficulties which the Spaniards and Mexicans had found it impossible to overcome, was without doubt clearly recognized by Austin and his associates, but, while he was not a frontiersman of the leather-stocking variety,

he had been reared in a frontier country in which hostile Indians abounded when he was a boy, and he was entirely capable, in spite of his comparative youth, to meet those difficulties.

However, for a young man to undertake to induce three hundred families to forsake the land of their birth, leaving their friends and neighbors in the more thickly settled and civilized territory of the United States, and follow him into such a wilderness, required uncommon courage and self-confidence. That Stephen Austin was not deterred from undertaking the task was not due to a lack of appreciation of the difficulties which were already apparent. Nor was a lack of modesty with respect to his own qualifications responsible for his course. He recognized the difficulties, but he knew his people, and if he had any misgivings they were not caused by fear that American settlers would not prove equal to whatever conditions they might encounter in the Texas wilderness.

Austin's company and its Spanish escort arrived at the Guadalupe river on the evening of August 10, and Stephen observed that the country was the most beautiful he had ever seen. They were now within two days' journey of San Antonio, and Seguín sent messengers ahead to announce their approach. The next day they pushed on sixteen miles and camped at night on the banks of a creek. On the morning of Sunday, August 12, the camp was thrown into a state of excitement by the return of Seguín's messengers with the news that the independence of Mexico had been achieved and that the whole town was celebrating the event. The Spaniards

received these tidings with great rejoicing and with shouts of "*Viva la indepencia!*" There was no mistaking their sentiments. Mexico's destiny henceforth was to be in the hands of her own people. To them it seemed the beginning of a new day. And so, after partaking of a meal of many Mexican dishes which had been sent out by the wives of the Spaniards, dishes which Stephen Austin tasted for the first time, the whole company proceeded to San Antonio to join the celebration.

Austin was welcomed by Baron de Bastrop, and in company with him and Seguín called upon Martínez. He informed the governor of his father's death and of his desire to be recognized officially as his successor. The governor agreed that this should be done, and expressed the opinion that an official letter from himself to Austin, formally setting forth this recognition, would serve the purpose. He did not think that the change in government affected the matter. Accordingly, on Tuesday, August 14, Martínez wrote the following letter, officially recognizing Austin's status:

"Inasmuch as the supreme government of this kingdom granted to your deceased father, Mr. Moses Austin, a permission to introduce three hundred Louisiana families who, through him, solicited to establish a new settlement in this province under my command, and that in consequence of the death of your father you have come to this capital charged by him with said commission for the benefit of said families; I have to say that you can immediately proceed to the river Colorado, and examine the land on its margins which may be best suited for the location of the before-mentioned fami-

lies, informing me of the place which you may have selected, in order that on the arrival of said families a competent commissioner may be sent to divide out and distribute the lands; and inasmuch as they are permitted to transport their property by land or by sea, it must be landed in the Bay of St. Bernard, where a new port has been opened by the superior government; for which purpose, and in consequence of the favorable information which this government has received of you, and in order to facilitate the transportation of property, I grant you permission to sound the river Colorado from the point where the new settlement may be established to its mouth, without extending the sounding any farther; all of which you will form as correct a map as circumstances will permit, which you will transmit to me.

"I have also to apprise you, for the information of the said new settlers, that all the provisions for their own use, farming utensils and tools, can be introduced free of duty or charge, but all merchandise for commerce must pay the established duties.

"Inasmuch as the tranquillity of this province under my command, and even the individual interest of the said families, requires that the immigration which has been granted shall be composed of honest, virtuous, tranquil and industrious persons, as your deceased father offered to this government, I expect that you will devote the greatest care and attention to this interesting point, and reject all those who do not possess the qualifications above indicated, or who appear to be idle, unsteady or turbulent; for you as their head will be responsible to the government for the whole of them, and you will be required to present documents of recom-

mendations for each of them. All of which I communicate to you for your government. God preserve you many years!"

In delivering to Austin this official recognition as the successor of his father, Martínez requested him to submit in writing a plan for the distribution of the land to the settlers. Austin complied with this request, suggesting that to every man, whether married or single, should be allotted a town lot, and a tract of farming and grazing land, the farming land to border a stream, and that two hundred acres should be added for the wife, should there be one, eighty acres for each child, and fifty acres for each slave.

Austin took up with Martínez the question of requiring each of the colonists to pay a small fee in order to help bear the expense of the enterprise. He asked whether there was any objection to an arrangement by which this fee would be fixed on the basis of the acreage received, and suggested twelve and a half cents an acre as the proper figure. Martínez replied he could see no objection to such an arrangement, that the government would expect the contract to be complied with as to the number and character of the colonists, and that any private agreement between Austin and the individual colonists would be their own affair.

In presenting the matter, Austin illustrated the point by supposing that three times as many families as were provided for in the grant should apply to him, and he should say to them, "Only three hundred will be admitted, and I will receive those who will pay me such and such an amount." Martínez said that if no deception were used or fraud practiced, even such an arrange-

ment as that, freely and voluntarily made and understood by all parties, would not be interfered with by the government. He made clear, however, that with respect to all this, including the amount of land to be given each settler, the superior government might take a different attitude. But he expressed the opinion that it would agree to the arrangement.

Having settled all these points, Martínez, on August 19, provided Austin with written acknowledgment of receipt of his statement of terms and authority to proceed on their basis. This document read as follows:

"Having seen your representation to this government, and finding it to be conformable with its ideas, I have to inform you that, although I shall render an account of it to the supreme government for its deliberation, still not doubting it will be approved of, you can immediately offer to the new settlers the same terms as contained in your proposals, assuring you that should the superior government make any small variation, I will in due time communicate it to you; with which I answer your aforementioned representation."

It then occurred to Austin that some arrangement should be made for the government of the colonists, and he mentioned the matter to Martínez. The governor replied that a proper arrangement would be made in due time, but that it would have to be given some consideration.

Meantime, the hospitable Spaniards entertained their guests as best they could with the facilities at hand, and among other things they took Stephen on a "mustang hunt." Stephen was struck by the fine appearance of these wild little animals, and remarks in his diary that

many of them would bring as much as two hundred dollars at New Orleans. He purchased a number of mustangs to take back with him.

There was apparent among the people of the town a general approval of the projected colonization plans, and the priest of the parish expressed to Stephen the wish that he might be made the padre of the colony. The coming of the Americans meant greater security from the Indians, and it is significant that the priest should have regarded the appointment of padre to the new settlement as more desirable than the post he held at San Antonio. Stephen had evidence of the precarious position of the Spaniards during his stay, for one of the men of the town was killed and another wounded by Indians while he was dispatching his business.

There remained now only the selection of a site for the colony, and armed with letters to the alcalde of La Bahía, Austin and his company set forth for that place on the morning of August 21. After five days' travel they arrived at La Bahía, but the alcalde informed Stephen that the only suitable guides for the exploration of the country were two soldiers whom he could not detail to that duty without a special order from the governor. A post was just leaving for San Antonio and Stephen decided to await its return in order that the required permission might be obtained.

Here again were evidences of the decay of the Spanish power. The town surrounding the old fort was in ruins. The devastation caused by the Magee invasion had not been repaired, and Indian depredations since then had added further to the dilapidated condition of the place. While there was some trade through La

Bahía from Natchitoches to the coast, and money was in evidence, Stephen remarked that "the Spaniards live poorly." They had no knives and ate with forks and spoons and with their fingers. "The inhabitants," he notes in his diary, "have a few cattle and horses and raise some corn." And the priest at La Bahía, like his colleague at San Antonio, expressed the desire to be appointed padre to the new colony.

On August 31 the post returned from San Antonio with the information that even two soldiers from La Bahía could not be spared, so Stephen decided to take such guides as the town afforded. He now divided his company in two parts and sent one part of it back to Louisiana by way of Natchitoches with the horses and mules.

The messenger from San Antonio also brought Stephen a letter from Baron de Bastrop and one from the governor. The latter announced the decision to place the government of the new colony entirely under Stephen's direction. The commission bestowing this authority upon him was dated August 24, and read as follows:

"For the better regulation of the Louisiana families who are to immigrate, and while the new settlement is forming, you will cause them all to understand that until the government organizes the authority which has to govern them and administer justice, they must be governed by and be subordinate to you; for which purpose I authorize you, as their representative, and I am relying on your faithful discharge of the duty. You will inform us of whatever may occur, in order that such measures may be adopted as may be necessary."

Considering that Austin was only twenty-seven years old and that Martínez had seen him for the first time only twelve days before this order was written, it is a remarkable testimonial to the confidence which Austin inspired. In this he was very much like his father, and it was to this characteristic—the power which each possessed to win, through sheer force of character, the absolute confidence of other men—more than to any other influence, that the opening up of Texas to colonization was due.

With a Spanish guide who proved useless, and a few Indians who were no better, Austin and the remaining members of his company now set out to explore the country along the Colorado and Brazos rivers. They had no adventures worthy of remark, except that they encountered a party of hostile Indians who did not molest them because of their superiority of numbers. When they reached the Brazos they divided into two parties, Lovelace and three companions exploring the region on the west side of the river, and Stephen and the rest proceeding on the east side. Austin found the country "as good in every respect as man could wish for, land first rate, plenty of timber, fine water—beautifully rolling." When Lovelace joined him he reported "that the country they came over was superior to anything they had seen before in the province." So it was decided that in this general region the colony should be located.

Austin now returned to the United States by way of Natchitoches, and from that place wrote to Governor Martínez. He took occasion to suggest a change in the agreement with respect to the amount of land to be given the colonists. This change, to which the governor sub-

sequently agreed, provided that to each head of a family, and to each single man of legal age, there should be given six hundred and forty acres, with three hundred and twenty acres in addition for the wife, should there be one, and one hundred and sixty acres for each child. It also increased the allowance for a slave from fifty to eighty acres. Austin was now possessed of full authority to launch the enterprise and was determined there should be as little further delay as possible. The first and the greatest of the Texas empresarios had begun his work.

CHAPTER VI.

A YEAR OF REVOLUTIONS.

THE last official act of a Spanish viceroy in Mexico was performed at Córdova on August 24, 1821, the same day that Martínez signed the commission authorizing Stephen Austin to govern the proposed new colony in Texas. For, on that day, Juan O'Donojú, who had landed at Vera Cruz on July 30 with instructions to take over the government of New Spain, signed a treaty with Augustin de Iturbide, agreeing to the independence of Mexico. Then, on September 27, while Austin was returning to New Orleans, after having explored the Colorado and Brazos rivers, Iturbide entered Mexico City in triumph, hailed as the liberator of the Mexican nation.

In the meantime, Dr. James Long had been busy at New Orleans and Bolivar Point for some time preparing for another expedition into Texas. The turn of events in Mexico hastened his plans, for it was important to his purposes that he should be on Texas soil before the independence of Mexico was achieved. Just what he expected is not very clear, but the idea that an independent Mexico would consent to a revision of the treaty of 1819 and the fixing of a new boundary so as to transfer most of Texas to the United States, was a favorite one with the American adventurers of this period, and Long probably had something of this sort in mind. Even if he sought nothing more than recognition and reward

for his "services to the cause of independence," it was essential that he should have some tangible evidence of those services. Iturbide's triumph made it necessary to strike without delay. It was a case of "now or never" with Long, and, accordingly, in company with other "republican" leaders who desired to be on the ground, he landed at the mouth of the San Antonio river early in October and captured La Bahía without much difficulty. He was too late, however, for the party which triumphed in Mexico was not one which would be likely to countenance an American invasion of Texas, under whatever guise, and Long was promptly placed under arrest. He was sent to Mexico City, and while he was soon released, he made little or no headway in impressing the new government with the idea that his services merited a reward. While sojourning in the capital, he was shot and killed by a Mexican soldier, apparently over something entirely unconnected with his activities in Texas. And so the period of American armed invasions of Texas came to an end at the very moment another kind of invasion was in preparation.

These events excited widespread interest throughout the southwestern part of the United States. Mexico was in the public eye, and the newspapers were filled with reports and rumors of what was happening or about to happen. In the midst of all this, Stephen Austin returned to New Orleans and announced through the newspapers that Texas was now open to colonization. There had been rumors of the forthcoming opening of Texas in circulation throughout the border country ever since Moses Austin had returned from San Antonio, and the news of Mexican independence had increased interest

in this prospect. Stephen now became an object of much curiosity. He was pointed out when he appeared in public places, and one wag dubbed him "the emperor of Texas." It was soon evident there would be no difficulty in obtaining colonists, for there were many who were willing and ready to try their fortunes in this new promised land.

The difficulty which Austin faced was that of financing the project, and now the friendship between him and Joseph Hawkins developed into a business partnership. Hawkins agreed to help finance the enterprise for a share of the lands which would be obtained in consideration of introducing colonists into Texas. So, under this arrangement, the new firm was launched. A small schooner of about thirty tons, called the *Lively*, was purchased and a full equipment of tools, provisions and supplies, including seed for the first crop, was provided for the proposed colony. It was agreed that the *Lively* should convey this equipment to Texas by sea, together with a small contingent of colonists, and that Austin should conduct another party overland from Natchitoches. After seeing his party located, Austin would go to the mouth of the Colorado to meet the *Lively*, and thus the two parties would join and establish the nucleus of the new settlement. Having completed all arrangements for the *Lively* to sail from New Orleans, Austin bade good-bye to his friend and partner, Hawkins, and left to join the company of prospective colonists at Natchitoches. And that was the last time he set eyes on either Hawkins or the *Lively*, as the sequel will show.

Writing of these events several years afterwards,

Stephen Austin characterized his father's success in obtaining the colonization grant from New Spain as "the entering wedge for opening a legal passage of North American immigrants into Texas." "But," he hastens to add, "it required inflexible perseverance and years of toil and labor to drive it forward." Difficulties beset Austin's path from the very start. He arrived with his party at the banks of the Brazos near the La Bahía road, in December, 1821, and saw his settlers started to work at clearing the wilderness. He then hurried to the mouth of the Colorado to meet the *Lively* and to see to the moving of the tools and supplies from the coast to the site of the settlements. But no *Lively* appeared. He waited many weary weeks in vain, and finally, concluding that the schooner had been lost or had missed its way, he abandoned the vigil and set about the more pressing duty of notifying the authorities at San Antonio of the arrival of the colonists.

The most serious consequence of the failure of the *Lively* to arrive was that it left the little group of colonists without a supply of seed for the first crop. Austin had arranged for other shipments of supplies, but even if these arrived later, they were likely to be too late for planting. It would be necessary to get seed, especially corn, from San Antonio, or to send some one to Natchitoches for it. Without other supplies and with such a prospect before them, the colonists were indeed facing difficulties at the very outset. Added to this, hostile Indians were a constant danger to them, and this danger was increased by their small number, which the *Lively's* passengers would have strengthened.

These difficulties were small, however, compared with

MISSION SAN JUAN CAPISTRANO.

one which awaited them at San Antonio. In March, 1822, accompanied by a party of his leading colonists, including his younger brother, James, who had come to Texas in the meantime, Austin went to San Antonio to report to the authorities, to obtain seed for planting, and to make arrangements for the issuance of land titles and the administering of the oath of allegiance. Arriving there, he received the astounding information that it would be necessary for him to go to Mexico City immediately, in order to procure from the congress, then in session, a confirmation of the grant to his father, and receive special instructions as to the distribution of land, the issuing of titles, and, in fact, everything else connected with the proposed colonization.

This was very discouraging news. It simply meant that so far the colony had no legal foundation, and that unless the new government consented to it, Austin's contract was invalid. From San Antonio to Mexico City was a distance of twelve hundred miles overland. He had made no preparations for such a journey, and, with the colony just getting started under great handicaps and difficulties, it was very necessary that Austin should be with the settlers during this critical period. Besides, his funds were very low and he had great need of them for other purposes than a trip to Mexico City and a sojourn there for a period the length of which he could only guess.

But there was no choice in the matter. It was Austin's assurances and representations which had induced the colonists to leave civilization and go with him into the wilderness. They were now facing hardships and dangers because of the promise he had made them to

provide them with lands for homes of their own. His word had been pledged to them, for he had never thought to question the judgment of Governor Martínez that the terms of the grant would be approved by the new central government. Unless such confirmation were obtained the whole project would end in disaster, the colonists would have suffered the hardships and dangers of their stay in the wilderness for nothing, and to many of them this would mean a loss of everything they had in the world. He must go to Mexico City without delay and obtain a confirmation of his father's grant, no matter what the cost.

The patient determination which was one of the chief elements of Stephen Austin's make-up, and which over and over again was put to the most severe test, was strikingly in evidence in his conduct in the face of this situation. A less determined man would have given up, after such a series of difficulties culminating in this climax. But Austin did not hesitate a moment. Without returning to the colony, he made arrangements for Josiah H. Bell to take charge until his return, and started on the twelve hundred-mile journey to Mexico City.

Austin himself has given a vivid picture of conditions in Mexico at that time. "The Mexican nation had just sprung into existence," he wrote afterwards, "but the necessary restraints of law, system and local police had not yet been sufficiently established; much disorder prevailed in consequence in many parts of the country; the roads were infested in many places with deserters and lawless bands of robbers." In short, a condition bordering on anarchy prevailed, and a traveler was in constant danger. Nevertheless, Austin set

forth. About one hundred miles below San Antonio he was stopped by a party of Comanche Indians, who robbed him of what they fancied, but permitted him to continue on his way. The story is told that among the objects which attracted the fancy of these Indians was a Spanish grammar, which Austin had been studying in an effort to acquire the language of his new rulers, and that this book was found some time afterwards, being passed from hand to hand among the Indians.

From Monterey to Mexico City, Austin had only one companion, Lorenzo Christie, who had been a captain in the ill-fated expedition led by Mina, Perry and Aury on the coast in 1816. Acting upon the advice of officials, they disguised themselves in ragged clothes, posing as penniless veterans of the revolution en route to the capital to be rewarded, so as not to tempt the cupidity of robbers along the way. Austin's passports explained his identity to officials wherever they were encountered, and they were uniformly friendly and courteous. In this way he finally reached Mexico City on April 29, 1822.

In order to understand the situation which then existed in Mexico, it is necessary to review some of the events which led up to it. It is a mistake to think of the "revolution" of 1821 as republican in character, or as the final triumph of the movement which began with Hidalgo in 1810. That movement had been crushed utterly, and it is doubtful if it would have been soon revived had things gone smoothly in Spain. It was events in Spain which brought about the movement of 1821, and, far from being a republican move-

ment, it proposed to create a monarchy and invite Ferdinand VII to come to Mexico and accept the crown. Moreover, the cry of Hidalgo—"Death to the Spaniards"—had no part in it. On the contrary, it declared the "unity" of Mexicans and Spaniards in Mexico. It was not a revolt against the "tyranny" of the Spanish crown, but rather a severance of Mexico from the liberals who were obtaining control in Spain, and who were holding Ferdinand VII practically as a prisoner. Ferdinand could not have accepted the invitation of Mexico even if he desired to do so above everything else in the world, for he would not have been permitted to leave Spain for that or any other purpose.

The liberal movement in Spain had for its purpose the reestablishment of the so-called "constitution of 1812," to which Ferdinand had promised to adhere at the time of his restoration. Ferdinand's promises were made to be broken, and this circumstance, together with a widespread discontent in the army, led to a condition of revolution and mutiny. The soldiers objected to being herded upon rotten and leaking transports and sent to the American colonies, ostensibly to put down rebellion, but really to perish from disease or to be lost at sea. The liberals protested against the privileges of the clergy and decried government abuses in the face of overwhelming burdens of taxation. The movement for reform began in the autumn of 1819, and became so formidable that in March, 1820, Ferdinand was compelled to take the oath of allegiance to the constitution, to appoint new ministers and to create a provisional junta to represent the public until the new cortes could

be elected and assembled. By the end of the year the cortes had passed a law abolishing most of the monasteries and, in the struggle which ensued following the king's veto of this act, which he exercised at the suggestion of the papal nuncio, the liberals were victorious. Ferdinand seemed helplessly in their power.

These events caused great alarm to the royalists in Mexico. "The revolution in Spain," writes Joel R. Poinsett, who was in Mexico City in 1822, and who subsequently became the American minister to Mexico, "was viewed with dread by the clergy of Mexico; and no sooner had the decrees of the cortes, confiscating the estates and reducing and reforming some of the higher orders of the clergy, reached America, than the indignation of the church burst out against the mother country. They declared from the pulpit that these tyrannical acts must be resisted, that the yoke was no longer to be borne, and that the interests of the Catholic religion, nay, its very existence in America, demanded that Mexico should be separated from Spain. The influence of the clergy, though in some measure diminished, was still powerful, and had for years controlled the wishes of a vast majority of the nation. To have withdrawn their opposition would have been sufficient to have occasioned a general movement of the people. They did more—they encouraged the people to resist the tyranny of Spain, and took an active part in organizing the plan of operation by which the revolution was successfully effected. They were aided in their plans by the wealthy Europeans who were anxious to preserve this kingdom in the pureness of des-

potism, that it might serve as a refuge to Ferdinand VII from the persecution of the cortes, and from the constitution of Spain."

The year 1821 opened with an especially dark outlook for absolutism in Spain, and it was this situation which brought about the independence of Mexico. "A new vigor was infused into the movement for independence," says another historian of the period. "The royalists saw little hope of permanently crushing the revolution in Mexico with the liberals in the saddle at Madrid. Finally, certain of the more powerful classes previously opposed to the revolution (including especially the higher dignitaries of the church) saw with despair that the new order in Spain presaged a serious curtailment of their privileges both in Spain and in the colonies, and so resolved, by making themselves leaders of the revolution, to bend it to their own purposes and thus save in Mexico what the liberals were denying them in Spain."

Augustín de Iturbide, the leader of this movement, had been from 1810 to 1816 one of the most tireless and uncompromising foes of the revolution. In February, 1821, while at the head of a large force in Southern Mexico, ostensibly engaged in pursuit of a remnant of a revolutionary force under Guerrero, he formed a coalition with the rebels instead and published the so-called "Plan of Iguala." This document declared for the independence of Mexico, for a constitutional monarchy, with Ferdinand as king; guaranteed protection to both the secular clergy and the religious orders in all their privileges, declared the Roman Catholic religion

to be the only religion of the country, and proclaimed the unity and equality of native Mexicans and Spaniards in Mexico. The movement spread with such rapidity and succeeded so well that by the time O'Donojú, the newly appointed viceroy, reached Mexico in July, it was plainly in the ascendancy. O'Donojú quickly made terms with Iturbide and a treaty was signed at Córdova less than a month after his arrival.

Under the terms of this treaty the independence of Mexico was recognized and the principles of the Plan of Iguala acknowledged. It was agreed that the crown should be offered first to Ferdinand, and, in the event he refused it, the offer should then be made to his brother, Charles, and then to the other members of the Spanish royal family in the order of succession. If none of these accepted the crown of Mexico, the Spanish cortes should then name a monarch. Meantime, a regency was named, with Iturbide, O'Donojú and three others as members, to govern the country until a monarch could be chosen. A congress was elected, and in February, 1822, this body assembled in Mexico City. O'Donojú had died several months before, and Iturbide's progress toward absolute power had been watched jealously by many liberal leaders who had been elected members of the congress. Then the news came from Spain that the cortes had repudiated the action of O'Donojú, had authorized the appointment of commissioners to hear the proposals of all the revolted colonies and warned all other countries against recognizing the independence of any of the Spanish colonies. With the question of the future permanent government of Mex-

ico thus left in a state of extreme uncertainty, a struggle between Iturbide and the congress for control was inevitable.

This was the situation when Stephen Austin arrived at the capital, with the object of having his father's contract to colonize Texas ratified. "The state of political affairs in the capital at this time was very unsettled," writes Austin. "Generals Victoria and Bravo and several other political leaders of rank, who had been imprisoned by Iturbide in November for opposing his ambitious designs, had escaped from confinement not long before; serious dissensions had already arisen between the generalissimo (Iturbide) and congress; the regency was divided and in discord among themselves, Yarez, one of its principal and most liberal members having had a personal dispute of great warmth with Iturbide during one of the sittings, in which the terms, 'traitor,' 'usurper,' were mutually passed; the friends of liberty were greatly alarmed at the ascendancy which the generalissimo had acquired over the military and lower classes of the populace and everything indicated an approaching crisis."

Into such a maze of intrigue walked this quiet, mild-mannered young stranger, ignorant of the language and without a single acquaintance among the leaders of the various factions. He possessed neither money nor influence and Mexican leaders had other things to think about besides such an insignificant matter as a land grant in the remote wilderness of Texas. He soon ascertained what had happened with respect to his father's grant, however. Upon learning what was going forward in Texas, the regency had decided that Martínez

had exceeded his authority in the matter, especially in designating the quantity of land each settler was to receive. This point, the regency decreed, must be settled by a law of congress, and accordingly all the documents relative to Austin's enterprise had been transmitted by the regency to congress.

Austin found others on the ground seeking colonization contracts. Hayden Edwards, who was destined to play a disturbing part in the future history of Texas, was one of them. James Wilkinson, erstwhile commander in chief of the American army, who had taken Spanish money for services rendered in the past and was now in disgrace in the United States, was there also, seeking to rehabilitate his faded fortunes with the assistance of the new Mexican government. Adventurers, soldiers of fortune, gamblers and speculators had gathered at the capital of the new empire, seeking whatever opportunity for profit the situation might offer. There also were a few serious-intentioned colonizers, like Green DeWitt, whose business was similar to that of Austin. But many applications for land grants in Texas had been made, and on this account when Austin sought to have his business decided by means of a special law he was told that a general colonization law would be necessary in order that all might be placed on an equal footing. A committee on colonization had been created by congress previous to his arrival in the city. To this committee all the petitions and Austin's claims had been referred, and it proceeded to take up the question of a general law. But the condition of politics was such that progress was very slow.

Three weeks after Austin's arrival at the capital the

approaching crisis reached its climax. His own impressions, written down later, give a vivid idea of its dramatic character. "On the night of the 18th of May," he writes, "the soldiery and the populace, headed by sergeants and corporals, proclaimed Iturbide emperor. It was a night of violence, confusion and uproar. The seven hundred bells of the city pealing from the steeples of monasteries, convents and churches, the firing of cannon and musketry from the different barracks and the shouts of the populace in the streets, proclaimed to the true friends of freedom that a few common soldiers, in union with a city mob, had taken it upon themselves to decide the destiny of Mexico and to utter the voice of the nation. The session of congress on the 19th was held surrounded by bayonets, and the man who was thus proclaimed by a rabble, amidst darkness and tumult, was declared by a decree of the majority of that body to be emperor of Mexico."

"In such a state of political affairs," Austin observes, "all that a person could do who had business with the government was to form acquaintances, try to secure friends, and wait for a favorable opportunity." Accordingly Austin devoted the principal part of his time to studying the Spanish language and in a quiet, imperceptible and almost unconscious way, he began to make friends. His sincerity and straightforward manner gave the impression of genuineness to those with whom he came in contact. It did not take long for many of the Mexican leaders to realize that here was a different kind of man from those others who were seeking the favor of the government. Very naturally he gravitated to those of republican principles and who sought the estab-

lishment of a republic. Among these he made many friends, with whom he remained on intimate terms for years afterwards. But Austin was too practical a man to neglect the others who possessed influence with the powers then in the ascendancy. He rested his case on the obligation of Mexico in the matter, and the justness of his cause was very widely recognized.

The immediate object toward which Austin now directed his efforts was the passage of a general colonization law. The committee on colonization made progress slowly in drawing up a bill, but the wonder is that with so many political distractions it made any progress at all. Iturbide was crowned as Emperor Augustus I on July 21, amid much pomp, and in almost burlesque imitation of the coronation of Napoleon. The dissensions between the emperor and congress continued, and general alarm spread among the liberal members at the strides of Iturbide toward absolute power. On the night of August 26 fourteen of the principal members of congress were seized in their beds and thrown into prison, and in consequence there was a growing condition of unrest and discontent. The question of providing revenue for the new empire was a very difficult one also, and much attention was absorbed in dealing with it. But in spite of all of this the committee made progress with the colonization bill, and Austin labored unceasingly to further its completion and to obtain a law suitable to the purposes for which it had been designated. Finally the committee reported a bill, and the congress began a discussion of it, section by section. As each section was agreed upon, Austin saw his object that much nearer attainment. He worked untiringly, discussing debat-

able points with members, urging compromises and in general seeking to get the business over with. By the end of October he saw the bill ready for final adoption, save for three articles which still remained to be decided, and these he expected to see disposed of in a short time. There would remain then only to obtain a grant under the terms of the new law, and he could return to Texas. He had been away from his colonists seven months and was naturally anxious to return and make certain that the foundations of the colony were firmly laid.

Then, on October 31, congress was turned out of doors by an armed force, acting under a decree of the emperor, which dissolved congress and vested the legislative power of the nation in a body to be known as the junta instituyente, the members of which were chosen by the emperor himself. All of the work of the colonization committee and of congress had come to naught. The colonization question was thrown back to the point where it was when Austin arrived in the city. It was necessary to begin all over again.

But the patient determination of Austin was not to be swerved from its purpose. There were a number of hardy pioneers in Texas who had pinned their faith in him. They had risked all in going to that wilderness upon his assurance that he would obtain lands for them and enable them to found homes for themselves and their families. There was no turning back, and it was not in Austin's nature to think of turning back. To add to his other difficulties, Hawkins had died at New Orleans, and the full burden of the project now rested on his own slender purse. For a time he was almost entirely without funds for the ordinary necessi-

ties of life and was reduced to the extremity on one occasion of selling his watch to provide himself with food. But he kept on just the same and proceeded to begin the work again with the emperor's new legislative body. A new colonization committee was appointed, a new bill was drawn, differing very little from the first, and finally reported. The bill was enacted into a law, approved by the emperor and promulgated on January 4, 1823.

Austin now found himself advanced one step. A general colonization law was enacted and promulgated. The next step was to procure a grant from the executive under the terms of this law. The prospect for this did not seem very bright, for the opposition to the arbitrary proceedings of the emperor was daily becoming more open and manifest. It seemed to portend another revolution and a suspension of all business of an individual nature in consequence. But Austin had a number of personal friends in the cabinet who now interested themselves to see that there should be no further delay. The peculiar merits of Austin's case was urged. He had gone to Texas with his settlers in virtue of a permission legally granted to his father by the competent Spanish authorities, previous to independence, and he had been officially conducted into the province by a commissioner expressly appointed by the governor of Texas for that purpose. He had been officially received and recognized as his father's successor by the governor, after the change of government, and officially authorized to proceed with a settlement. Indeed, he had received an official appointment by a legal representative of independent Mexico to govern

such a colony. The obligation of Mexico to Austin, therefore, was peculiarly strong. In addition to all this, through no fault of his own, he had been detained in Mexico nearly a year in an effort to have this matter straightened out. These considerations enabled Austin to bring the matter before the council of state in a shape which procured its speedy and favorable consideration by that body. The council reported it with a favorable opinion to the emperor on January 14, and on February 18 the emperor's decree, granting Austin's petition, was issued.

Thus after eleven months Austin was ready to return to Texas with his object entirely accomplished. He made preparations to leave on February 23, but before he had started information reached the city that a revolution against the emperor, which had been in progress for two months, had attained such proportions that a change was impending. The day following the emperor's decree on Austin's case, one of his ministers secretly fled from the capital. During the next few days information was circulated in the city to the effect that a general defection from the emperor's cause had occurred in all parts of the empire. Men began to speak openly of Iturbide as a usurper, and it was declared that all of his acts should be annulled by congress.

This news was very disturbing to Austin. If all of Iturbide's acts, without exception, should be annulled this would invalidate his grant and thus put him back where he started. He consulted attorneys and others likely to know, and found a division of opinion among them as to how such a personal matter would be treated.

That any doubt at all existed was sufficient to cause him to delay his journey to Texas and await developments.

Developments came fast enough. The success of the revolutionary forces had been such that Iturbide was forced to do something besides sit in the capital and see the whole of the empire wrested from his control. Collecting such troops as he could find still loyal, he placed himself at the head of them and marched out of the city to the village of Iztapulca. But soon he received news that a superior force was advancing against him along the Puebla road and, finding he could not depend upon the adherence of even such troops as were under his command, he was forced to make terms. He agreed to a truce, and the appointment of commissioners by both sides to treat.

The result was the practical abdication of Iturbide, pending the decision of the congress, which was reconvened. Congress met on March 29 and promptly abolished the executive power which had existed under the emperor. On March 31 the executive authority was vested in a tribunal of three members, to be known as "the supreme executive power," and Nicholas Bravo, Guadalupe Victoria and Pedro Celestino Negrete were named to compose it. Two alternates were named to fill the places of any one of these who might be absent from a session, and the government was entirely reorganized in all of its branches.

On April 8 congress decreed that the coronation of Iturbide was an act of violence and force, and was null and void, and that all acts of the government under the emperor, of whatever character, were illegal and

subject to be revised, confirmed or revoked, as the newly established government might decide. This decree banished Iturbide from Mexican territory forever, but voted him a salary of twenty-five thousand pesos annually, provided he would reside in Italy. The republicans were finally in absolute control of Mexico, and it was now certain that a republic would be established. But, at the very moment that these events were taking place in Mexico, the pendulum was swinging in the other direction in Spain. For the day before the decree of the Mexican congress against Iturbide was issued, a French army crossed the frontier into Spain to rescue Ferdinand from the liberals, and to reestablish absolutism in that country. The absolutist monarchs of Russia, Austria, Prussia and France had decided to stick together, and even to intervene in the internal affairs of other nations to protect the power of royalty against the revolutionary liberals. Whether this intervention in Spanish affairs would extend to her colonies remained to be seen. The Mexican republicans, in any event, proceeded to their task, heedless of the new danger arising on the other side of the ocean. Iturbide was sent to Vera Cruz under a strong guard and embarked on an English vessel for Italy on May 11. In passing, it should be added that just as he had imitated Napoleon in his coronation ceremony, he later attempted to imitate the Corsican's return from Elba. After a year spent in intrigue in Europe, during which time he was outlawed by the Mexican congress for leaving Italy, Iturbide returned to Mexico, landing at Soto la Marina on July 14, 1824. Apparently he expected an uprising in his favor and the flocking of a formidable force to

his banner. He was sorely disappointed, however, for republicanism was now firmly in the saddle. He was promptly arrested and shot three days after he had landed on Mexican soil.

During all this time Austin waited patiently at Mexico City. The decree of April 8 fulfilled the predictions of those who had said all of Iturbide's acts would be annulled, and Austin's grant and the law under which it was issued were both subject to the will of the new government. Austin lost no time in presenting a petition to congress, and now a remarkable thing occurred. The confidence in Austin which had grown up among the Mexican leaders during a year's relations with him now bore fruit. All joined in hastening action on Austin's petition. Three days after the adoption of the decree annulling Iturbide's acts, congress revived the colonization law long enough to pass a decree referring Austin's memorial to the supreme executive power for confirmation, if it had no objection. Then it immediately suspended the colonization law permanently. It authorized the supreme executive power to act on any other cases similar to Austin's, but there were no other such cases. The effect of this, therefore, was to decree that only Austin's grant should be allowed. The remainder of the army of petitioners must await the future action of congress. With the sole exception of the grant to Austin, the colonization matter was put back precisely where it had been a year before. Austin had come to the city an absolute stranger. He now counted among his close friends some of the most influential men in Mexico.

On April 14 the supreme executive power, in ac-

cordance with the recommendation of congress, issued a decree confirming in full the concession granted to Austin by the imperial government of Iturbide on February 18. Thus, after a year of patient waiting and determined effort, Austin had the satisfaction of leaving Mexico City with his colonization grant confirmed by all the governments which had ruled the Mexican nation during that year. As the last confirmation was by the sovereign constituent congress, the assembled power of the people of the nation, no shadow of a doubt could now be raised against its legality and validity. Having thus accomplished his mission, Austin left Mexico City for Texas on April 28. He had spent precisely a year in its accomplishment, but he had done more than merely establish the validity of a colonization grant. He had become a part of Mexican public affairs and an influence in the destiny of the Mexican nation.

CHAPTER VII.

WAITING IN THE WILDS.

When Austin left San Antonio in March, 1822, on his long journey to Mexico City, neither he nor his colonists expected he would be away longer than four months. Even an absence of this length was regarded as a calamity, and only absolute necessity reconciled them to it. But it was four times four months before he returned, and this nearly brought disaster to the whole undertaking.

How serious was Austin's long absence, and the doubt which had been raised as to the validity of his contract to colonize Texas, may be judged only when it is considered that he and Hawkins had made arrangements for a great number of colonists to come on to Texas during the summer. It was discouraging to the little band already in the province to learn that they might yet be regarded as trespassers. What would be thought by others when they should arrive and find the condition of affairs existing, with Austin not there to receive them, with nothing settled as to the proposed colony, and with no assurance that they would ever receive titles to the land they might clear and cultivate?

The dominant motive of those who had agreed to join Austin's colonization enterprise was the desire to acquire land and to found homes for their families. For this they were willing to endure hardships and dangers, and even to subject their families to the privations and

perils of the Texas wilderness, but if Austin's promises were not to be redeemed by the government of Mexico, why should they remain and undergo such trials? That some of them did remain, in the face of sufferings and dangers, such as none had anticipated, and that these did retain faith in Austin, in spite of repeated postponements of his promised return, is more remarkable than the fact that many went back to the United States to tell their friends to "keep away from Texas."

The patience and determination of Stephen Austin during his stay at Mexico City can not fail to impress one with their almost superhuman character. But what shall be said of the patience and determination of that little band of faithful colonists who remained in the wilds of Texas during the sixteen months which elapsed from the time Austin departed from San Antonio until he returned to them with the news of his final success? At Mexico City Austin was at least in a civilized community, surrounded by comforts and free from danger. The colonists were in a wilderness, without ordinary necessities and exposed to constant danger, and in addition to this the men were compelled to see their wives and children suffer these hardships. The patience, determination and unremitting toil of Stephen Austin are wrought into the very foundation of Texas, but along with them are also the courage, the fortitude and the suffering of that little group of pioneers who waited along the Colorado and the Brazos, and planted the beginnings of a settlement, while Austin was at the capital. Few of their names are known conspicuously to us today, but the great and prosperous State of Texas,

the largest in the American union, is as much the fruit of their labors as of the labors of any who have come after them.

After the departure of Austin for Mexico City, Josiah H. Bell, James Austin and the others of the party returned to the Brazos and the Colorado with what supplies they could obtain and a small quantity of seed corn. Seed corn was very scarce at San Antonio, another evidence of the waning character of the Spanish colonization of Texas, and the small amount taken back with them was scarcely enough to go around. There were practically no agricultural implements in the colony during that first spring, and most of the planting was done in the primitive fashion of making holes with sharpened sticks. Adequate supplies of this kind had been sent on the *Lively*, but no word had been received from the schooner. It was generally believed among the colonists that she had been lost, but, had they only known it, at the very time they were planting their first crop under such difficulties, the *Lively's* passengers were on the banks of the lower Brazos, near the coast, with plenty of agricultural implements and an adequate supply of seed. For the *Lively* had reached Texas all right, but for some reason that remains unexplained to this day, she stopped at the mouth of the Brazos instead of proceeding to that of the Colorado, where it had been expressly agreed to meet Austin. The schooner had been delayed four weeks en route by unfavorable winds and bad weather, and when she reached the Brazos, the men, tools and supplies were landed.

In this party were about twenty men, including some

of those who had accompanied Stephen Austin to Texas during the previous summer, and who had explored the Brazos. Edward Lovelace, who had pronounced the region along the west bank of this river to be "superior to anything he had seen in the province," was one of these, as was also his nephew, Henry Holstein. James Beard and William Little, both of whom had been among Austin's original companions, were also along, the latter being in charge of the party. John Lovelace, Edward's brother, who had planned to make the first trip, but was prevented from doing so through illness, and James A. E. Phelps, another nephew of the Lovelaces, were likewise among the *Lively's* passengers. The Lovelaces had advanced Austin some of the money with which the *Lively* had been purchased, and this circumstance, together with Edward's opinion of the country along the Brazos, may have had something to do with the decision to land there.

It is possible, of course, that they mistook the river for the Colorado, and the reminiscences of one of their number, who was not in the confidence of the leaders, indicate that they were not sure it was the Brazos for several weeks. But that Little and the Lovelaces took it upon themselves to change the original plans is also a possible explanation. Whatever the cause of their landing, it had the most unsatisfactory results for all concerned.

Having landed, the Lovelaces, Little and a few others started up the river to explore the country and, if possible, to get in touch with the party that had accompanied Austin by land. They returned, after six days' absence, with no news, and it was decided to

move a few miles up the Brazos and build boats to transport the tools and supplies to a desirable site for a settlement. At that very moment Austin was anxiously searching for the *Lively* along the coast near the mouth of the Colorado and, before he abandoned the quest, the *Lively's* passengers had completed the construction of seven rude boats and moved their full equipment up the Brazos to the first high ground and proceeded to establish a permanent settlement. They built a large log house and then cleared land in preparation for the planting of a crop of corn. By this time, due to the uneconomical management, their supplies of food had become exhausted and they were forced to subsist upon game and such other provisions as could be found in the neighborhood. They suffered much privation, and apparently there was not a very happy division of labor among them. Many became discontented and a lack of organization or of any authority to command respect created a condition which was not conducive to harmony. There were quarrels, and soon some of them began to leave. Disintegration, once started, became rapid, and all but a few returned to the United States long before Austin got back from Mexico. The names of only five of the *Lively's* known passengers appear on the roll of those to whom land titles were issued under Austin's contract.

Thus the *Lively's* first trip resulted in nothing, so far as the furthering of the colonization enterprise was concerned. And, as has been seen, its failure to bring tools and supplies to the other colonists caused them to undergo great privation. They were soon without bread of any kind, for they had neither flour nor meal;

coffee and sugar were memories of luxuries of the past, and before long even salt, an absolute necessity, became extremely scarce. Wild game was the only means of subsistence, but this was not a certain source of supply. Bear and buffalo were scarce and danger from the Indians made hunting a hazardous undertaking. Wild turkeys were plentiful, but soon ammunition became too precious to be wasted on such small game. Deer were very poor because of the failure of the mast on which they fed, and "lean venison" was not very substantial food. But there was an abundance of wild horses (mustangs) and they were fat and very easily killed. Horse meat, therefore, was a frequent article of diet. Nothing could illustrate more strikingly the extremes of privation the colonists suffered than the fact that about one hundred mustangs were eaten during the period of Austin's absence.

To aggravate this situation, the Tonkawa, Lipan, Beedle and other Indians living in the region of the colonists were continually begging gifts from their sparse supplies. These Indians were an insolent and beggarly lot and, while not so hostile as the Wacos and the Comanches of the interior, and the Karankawas on the coast, they were not to be trifled with. They had to be suffered in patience until the colonists were numerous enough to deal with them. "One imprudent step with these Indians," Austin wrote later, referring to this period, "would have destroyed the settlement, and the settlers deserve as much credit for their forbearance during the years 1822 and 1823 as for their fortitude."

Capt. Jesse Burnam, one of the settlers, relates an incident which illustrates this situation as it affected the food supply. "I went out to kill a deer," he says, "and had killed one and was butchering it when an Indian came up and wanted to take it from me. I would not let him have it, but got it on my back the best I could and started for camp. The Indian began to yell, I suppose for help, but I would have died rather than give the deer up. I thought if there was only one I would put my knife in him and save my gun for another. I walked along as fast as I could, he pulling at the deer and making signs that he wanted it on his back. I could not put it down to rest, so I walked into a gully and rested it on a bank, the Indian all the time making threats and grimaces. . . . When I got back to camp it was full of Indians, and everyone was dividing meat with them." The Indians did not get Burnam's deer, but few were willing to take such risks. Had there been three or four Indians instead of one, they probably would have taken it from him, just as the Indians at camp compelled the colonists to divide. This was not a rare occurrence; it was an almost constant nuisance. The colonists literally had to feed a lot of beggarly Indians, in addition to providing for themselves, during much of the time Austin was away.

Austin's continued absence was a constant subject of talk, and it can be imagined that there were those who did not hesitate to express the opinion that he would never come back, and that none of them would ever receive a title for land. Some of those who left the colony and returned to the United States undoubtedly did say such things, and this fact and the general con-

dition of privation existing in the colony turned many an immigrant back at Nacogdoches, or caused them to stop there and to settle on land outside the limits of Austin's colony.

It had been Austin's general plan to have prospective colonists come to Texas at their convenience, taking their own time and reporting to him, or to some one else in charge, on arrival. Before he left Louisiana for Texas he had arranged with a number of families in Arkansas, Missouri and elsewhere to emigrate in this way. Indeed, some of these colonists preceded him to Texas by several weeks, and were on the ground when he reached there in December, 1821. Among these were the three Kuykendall brothers and their families, who crossed the Brazos at La Bahía road on November 26, 1821. They found another such family, that of Andrew Robinson, already camped on the west side of that river. The Robinsons were the first immigrant family to cross the Brazos.

To fit the cases of such colonists, who agreed to come to Texas as soon as they could arrange to leave their old homes, Austin provided a printed form which, when filled out and signed, authorized the holder to settle along the Colorado and Brazos rivers, and which set forth the conditions upon which the colonist was accepted. A copy of the one given to Abner Kuykendall will serve to illustrate the whole arrangement. It read as follows:

"Civil Commandant of the Colony forming on the Colorado and Brazos Rivers in the province of Texas:

"Permission is hereby granted to Abner Kuykendall and family to emigrate and settle in the colony forming

by me under the authority and protection of the government of New Spain at the points above stated. Settlers are required to comply with the general regulations hereunto annexed:

"STEPHEN F. AUSTIN."

"1. No person will be admitted as a settler who does not produce satisfactory evidence of having supported the character of a moral, sober and industrious citizen.

"2. Each settler must, when called on by the governor of the said province, take the oath of allegiance to the government exercising sovereignty of the country.

"3. Six hundred and forty acres of land will be granted to each family, and, in addition to that, three hundred and twenty acres to a man's wife, one hundred and sixty acres for each child and eighty acres for each slave; which land will be laid off in two equal tracts, one on the river in an oblong; the other is to be located so as not to interfere with the river lands. One of said tracts must be actually inhabited and cultivated by the person and family who has permission to settle it, within the year from the first of January, 1822.

"Twelve cents and a half per acre must be paid me for said land, one-half on receipt of title, the other in one year after, which will be in full for surveying fees and all other charges—each settler will choose his own tract of land within the limits designated by Austin.

"4. Mechanics and men of capital will receive additional privileges in proportion to their capacity to be useful.

"5. Each settler is required to report to me or the officer who has charge of the colony, immediately on his

arrival, and to furnish a list of the number of his family, giving the names of his children and their ages, the number of his negroes, designating those under twelve years of age, those over twelve and under twenty-one, those over twenty-one and whether male or female, and if any of the family are mechanics to state what kind."

Many prospective settlers, armed with such certificates of permission, and others without them, drawn thither by Austin's announcements in the newspapers, arrived in Texas overland after he had left for Mexico City. The route from the Sabine to the site of the colony was first to Nacogdoches, then along the San Antonio road to the Brazos and the Colorado, from which points the immigrant would move south along the banks of either river until he found a place that struck his fancy. In this way settlers were spread along the banks of these two streams from the San Antonio road almost to the coast. But soon the condition of things among the colonists—the absence of Austin and the scarcity of food and supplies—became generally known at Nacogdoches, and no doubt the story was greatly exaggerated in the telling. Nacogdoches itself eked out a hand-to-mouth existence, and one can imagine the feelings of a man arriving in such a place with his family, and then learning that conditions were worse at the point of destination toward which he was traveling. Some decided to go no further and "squatted" on land between Nacogdoches and the Sabine, which was not yet open to colonization. Others stopped at the Trinity river. But many turned back, very much disgusted and a great deal poorer as the result of their experience, and these became the purveyors of the wildest reports concerning conditions in Texas. When some

of the settlers themselves finally gave up and returned to the United States, they joined in the chorus of "Keep away from Texas."

But the land route was not the only one used. At first colonists came also by schooner from New Orleans. On June 4, 1822, a little more than two months after Austin's departure, the schooner *Only Son* landed at the mouth of the Colorado with a number of families and a quantity of supplies. The passengers were in three parties, one being made up of William Kincheloe and his family and a few friends, and including Kincheloe's son-in-law, Horatio Chriesman. There was much sickness among the new arrivals, and it was decided to leave most of their effects at the landing, together with the rest of the cargo, under guard, and move up the river immediately. Kincheloe's party camped at a little creek, about ten miles from the coast, and another party, known as "Wilson's party," camped some distance west of them. The others went on to a point known as Jennings' camp, further up the river.

About the same time the schooner *Lively*, now making its second trip, was wrecked on the west end of Galveston island, and its passengers, another party of immigrants, and the cargo, consisting of the effects of the passengers and supplies for the colonists, were taken by the schooner *John Motley* and landed at the mouth of the Colorado. These immigrants proceeded at once to Jennings's camp, also leaving most of their effects and supplies at the landing under guard. There was a quantity of flour and of other supplies to be sold to the colonists, who were expected to come to the landing and to move their purchases, and the whole was left under

guard of four men. The news of the arrival of these supplies was rapidly circulated among the colonists, and some of them came immediately to the coast to buy flour, which was offered at twenty-five dollars a barrel, either in cash, peltries, beeswax or other saleable commodities.

Chriesman, who afterwards became surveyor for Austin's colony, relates that after the lapse of a few days, the provisions at Kincheloe's camp being nearly exhausted, Pleasant Pruitt, one of the party, was about to start for a new supply when a runner from Wilson's camp came to inform them that the four men left at the landing had been murdered by the Karankawa Indians and all the property of the immigrants and the rest of the cargo had been carried away or destroyed. Immediately upon receipt of this news, Kincheloe's party broke camp and proceeded up the Colorado, "the men packing all the effects of themselves and their families, except the guns, which were carried by the women." All of these immigrants settled at different points along the Colorado, and Chriesman records that they suffered greatly for want of provisions.

The destruction of the cargoes of the two schooners by the Karankawas was a great disaster, not only to the passengers who lost some of their effects, but to the colonists already on the ground who had been looking forward to the arrival of a schooner with supplies ever since the failure of the *Lively* to keep the rendezvous with Austin six months before. Not only was their temporary rejoicing over the news of the arrivals turned to grim disappointment, but the acts of the Karankawas made it hopeless to expect any supplies in the future by

the sea route, and packing supplies from Natchitoches was a slow and costly operation, even if many of the colonists could afford this expense. The Karankawa Indians, from all accounts, seem to have been the most ferocious ever encountered by American frontiersmen anywhere. Indeed, so greatly were they feared and so bad was the reputation which they acquired, that it was even said they were cannibals. There is no authenticated instance of cannibalism to support this view, however. They are described by one early traveler in Texas as "the most savage-looking human beings I ever saw." They were giants in stature, and were armed with great bows and arrows in proportion to their size. They roamed the whole Texas coast and were quite as much at home on the water as on land, being skillful in the use of the canoe. They lived chiefly on fish and alligators. "Their ugly faces were rendered hideous," says one observer, "by the alligator grease and dirt with which they were besmeared from head to foot as a defense against mosquitoes." It was probably these Indians that destroyed La Salle's colony, and that prevented both the French and Spaniards from building a fort on the coast. They were a constant menace to the colonists during the period of Austin's absence in Mexico.

Shortly after the massacre at the mouth of the Colorado, the Karankawas committed other depredations. Finally, when a party of these Indians attacked three of the colonists who were coming up the Colorado in a canoe, killing two of them and wounding the other, Robert Kuykendall and a party of settlers decided that a passive attitude toward them would no longer be safe.

Accordingly, they organized an expedition against the Karankawas. In order to insure the good behavior of the Tonkawas during their absence, they took the chief of that tribe along with them. Upon arriving near the mouth of Scull creek, a reconnoitering party heard a number of Karankawas in a thicket pounding briar root, from which these Indians extracted a very nutritive starch. This was at nightfall, and the Indians were camped for the night, so it was decided to wait until daybreak to attack them. Kuykendall and his companions surrounded the camp in the early dawn. One lone Indian was awake and had risen, but before he could give the alarm he was shot down and instantly killed. The settlers then poured a deadly fire into the Indian camp, killing ten or twelve of them as they were aroused from sleep in the confusion of the attack. Only a few of this party of Karankawas escaped to carry the tidings to their tribesmen. This was the first chastisement administered to these Indians by Austin's settlers.

To add to the hardships of the colonists along the Colorado and the upper Brazos, a severe drouth during the summer almost ruined what little corn they had planted. In many instances the crop was a complete failure, and some scarcely raised as much corn as the seed they had planted. In the river bottoms, however, a few produced a fair crop, and, after many months without bread, the colonists now feasted on such corn pone as could be made of meal manufactured by pounding or grating. Those whose crop had failed purchased corn from the others, paying for it with whatever of value they might possess. Captain Burnam, for example, relates that his family had been without bread for

nine months, and that a fellow colonist offered to sell him some corn. "I gave him a horse for twenty bushels," he says, "and went sixty miles after it with two horses and brought eight bushels back." Even then his family had to be very economical with it, and only one piece of bread all around at a meal was the rule. The first corn crop provided only temporary relief and a little variety in the food supply.

Besides game, wild honey was a regular article of diet and the universal substitute for sugar. Very few of the colonists had jars or other containers to store it, and so they soon reverted to the "wine skins" of biblical times, manufacturing containers for the honey from deer skins. Deer skins also came into general use as the chief material for wearing apparel for both men and women, for the clothing they brought with them became so tattered and worn in time that it was necessary for most of the colonists to provide themselves with new wardrobes. While there were a few spinning wheels and looms in the colony, there was as yet no cotton to spin or weave. Buckskin was soon the prevailing style of dress, and the colonists vied with each other in making such outfits "artistic" as well as durable.

It is easy in this modern day to idealize such a life as the colonists lived as one of "sylvan simplicity," but the truth is, it was a life of privation and hardship. There were cases of near starvation, which the colonists were frequently too close to the end of their own supplies to relieve. There was, for example, one case of a mother and two children subsisting for several days on lettuce, while the husband and father was compelled to be absent. There was the case of another family who

lived on a little milk for nearly a week, while the only man on the place worked in the field to save eight acres of corn which otherwise would have been lost. He plowed those eight acres, with only a little buttermilk to sustain him, and did not dare to stop long enough to hunt. There were other similar cases, for scarcity of food was a common condition in the colony, not only during this period, but even after Austin's return.

In December, 1822, Baron de Bastrop visited the colonists on the Colorado for the purpose of obtaining their oaths of allegiance to the emperor, Iturbide, and of forming them into some sort of civil organization. This was after Iturbide had assumed absolute powers, and just about the time Austin was making headway in getting a colonization law enacted by that mushroom monarch's government. The old baron gathered the colonists together and administered the oath to these remote subjects of Augustus I—and last—with fitting ceremony. He then held an election for alcalde and officers of the militia. John Tomlinson was elected alcalde, and Robert Kuykendall captain of the militia. The whole number of votes on the Colorado did not exceed thirty. Baron de Bastrop did not go to the Brazos, but authorized Josiah H. Bell to hold the election there and to administer the oath. The Brazos colonists met at Bell's house and unanimously elected him alcalde. Samuel Gates was elected captain of the militia, and J. H. Kuykendall lieutenant.

This evidence that the Mexican government had some interest in them served to create a little confidence among the settlers, and, as it was believed that Austin

would soon be returning to Texas, they began to view the future a little more optimistically. But this was about all the interest the Mexican authorities in Texas manifested in them. Far from supplying the colonists with any protection against the Indians in the form of troops, the authorities did not even protect them against the "border ruffians," Mexican and Louisiana desperadoes from the region along the Texas-Louisiana border. On the contrary, Austin's colonists themselves made Texas safer for Mexican horse traders against attacks from these bandits. During the summer of 1823 a Frenchman and two Mexicans from the Louisiana border were whipped for stealing horses, and their ponies confiscated. Shortly after that an incident occurred which gave notice to all the desperate characters of the border that the Colorado and the Brazos were extremely unhealthy for their kind. A party of Mexicans, driving a caballada of horses from the Rio Grande to Louisiana, was camped near Scull creek, when a band of border Mexicans attacked it. Two or three of the Rio Grande party were murdered and the rest dispersed, and the bandits proceeded to take charge of their horses and to drive them toward Louisiana. The owner of the horses, though wounded, escaped to the settlement on the Colorado, and Robert Kuykendall immediately organized a posse to pursue the thieves. The latter divided into two parties, one escaping along the San Antonio road in the direction of Louisiana, but the settlers overtook the other party on the west bank of the Brazos and in a battle which followed killed two of their number. The horses were recovered and restored to their owner, and the heads of the two bandits were cut from

their bodies and placed on poles at the roadside. After that the colonists suffered no more annoyance from "border ruffians."

It has been remarked that there was sickness among the passengers of the schooner, *Only Son.* There was much sickness among the colonists as a whole during this period, for the privations which they underwent, the limited food supply and the general character of their diet were not calculated to promote health. There was not a practicing physician in the whole colony, and any serious illness was likely to result in death. Before the spring of 1823 the first graves were made by the Americans in a soil still alien, but upon which they were destined to rear a splendid civilization. Among the earliest victims of disease were some of the brave women who had accompanied their husbands into that remote wilderness. It was several years later, when the country was much more thickly settled, that it was said of Texas that it was "a heaven for men and dogs, but a hell for women and oxen." It was a woman who said that, and the men may have had a different opinion about its application with respect to them. But one part of this statement was certainly true of Texas during this period: it was a hell for women. Much blood has been shed in defense of Texas since that day. The Alamo still stands as a monument to remind this generation in all countries that men can die bravely in a holy cause. But the women among that little group of pioneers suffered more for Texas than many a soldier wounded on the battlefield, and those who died during that first year gave their lives for Texas as truly as the heroes who made the last supreme sacrifice within the walls of the Alamo.

As the months passed and the return of Stephen Austin was postponed again and again, the outlook became gloomy. Many of the colonists gave up at last and moved back to the United States. There were few events to break the monotony of waiting for things to improve and to make the outlook brighter. Immigration now ceased entirely and this had a very depressing effect, for, if Texas was not to be settled soon, the prospect for those who remained would not be very encouraging. Instead of increasing, their number was decreasing, and if no new settlers came to take the places of those who had gone, it could be expected that others would leave in the future. With no assurance of the time of Austin's return, with no certainty that they would receive titles to their land, and now with the expectation that the country would be settled up also fading, it took grim determination to stay on. But, both on the Colorado and on the Brazos, a little group of settlers held on in spite of all these discouraging circumstances.

A few of the more prosperous of the colonists made trips to Natchitoches in the summer of 1823 to get coffee, sugar and other supplies, and this, together with the outlook for a better corn crop, brightened things up a little. Then an enterprising Frenchman from below the Rio Grande arrived with several mules loaded with rock salt. This was a very great event, for this necessity had been almost non-existent in the colony for some time. Finally there came the cheering news that Stephen Austin was really returning at last and that he had been entirely successful in his mission.

Austin had reached Monterey in May, and as he was determined that there should be no further hitch in the

legal aspects of his undertaking, he called immediately upon Don Felipe de la Garza, now the commandant general of the eastern internal provinces. He particularly desired to obtain from that official, under whose jurisdiction Texas still remained, an interpretation of his status and powers with respect to the government of the colony. The result was that he was made chief of the militia in the colony, with the rank of lieutenant colonel, and he was recognized as having practically unlimited power to govern the colony in all civil, military and judicial matters, subject only to the approval of the superior government. In all capital cases, however, he was to refer a record of the proceedings to the superior government, together with a copy of the verdict, and while awaiting its action should work the prisoner on the public roads. In short, as Austin himself said, the local government was thus committed to him with the most extensive powers, but without any copies of laws, or specific instructions whatever for his guide.

From Monterey, Austin proceeded to San Antonio. The commandant transmitted all the documents in the matter to Luciana García, now governor of Texas, on June 16, together with instructions to put them into effect. On July 16 García appointed Baron de Bastrop as commissioner to organize the colony and to install Austin formally as legal head of it in all matters of government. On the same day he notified the commandant of this action, and of the fact that he had bestowed upon the town, which was to be the capital of the colony, the name of San Felipe de Austin, in honor of the commandant's patron saint, Felipe, and of the empresario. It is not improbable that Austin himself, who by this

time had acquired a thorough understanding of Mexican character, suggested to García this graceful method of complimenting Garza. Austin and Baron de Bastrop arrived on the Colorado early in August and were welcomed by the colonists there with enthusiasm. The long wait was over, the period of uncertainty was at an end, and henceforth there would be steady progress. But Austin found things in worse shape than he had expected. In his own words, he found that "the settlement was nearly broken up in consequence of his long detention in Mexico, and immigration had totally ceased." It appears also that during his absence some of those who had arrived had become discontented with the whole arrangement of Austin's relation to the enterprise, and especially with the provision of the agreement that twelve and a half cents an acre should be paid to him for their land. But Austin set to work immediately to build on such foundation as existed and to promote harmony among the settlers.

Under date of August 5, Baron de Bastrop officially notified James Cummins, now alcalde on the Colorado, to have the colonists gather at the house of Sylvanus Castleman on August 9, in order that he might communicate to them "the superior orders with which I am charged, and that said Don Stephen F. Austin may be recognized by the civil and military authorities dependent upon him and by the new colonists who are under his charge." The baron's instructions informed him that "Stephen F. Austin is authorized by the government to administer justice in that district, and to form a regiment of national militia, over which for the present he must be chief, with the rank of lieutenant

colonel; all of which you will make known to the inhabitants of said district, in order that they may recognize the said Austin, invested with said powers, and obey whatever he may order relative to the public service of the country, the preservation of good order, and the defense of the nation to which they belong." It was these instructions which were put into effect at the gathering of the colonists at Castleman's. Austin was thus formally installed as the governing head of the Anglo-Americans in Texas, an official of the Mexican government, with almost unlimited discretionary powers. He had not yet reached his thirtieth birthday when this ceremony took place.

But Austin did not wait for this formal installation to communicate with the settlers on the Brazos, where some of the discontent referred to existed, and to acquaint them with the results of his mission to Mexico. Under date of August 6, he addressed a letter to them, and incidentally took occasion to make it clear that their contract with him must be kept. This letter, which was addressed to "J. H. Bell, Andrew Robertson (Robinson), Abner Kuykendall and other settlers on the Brazos river," is in a sense the first public proclamation issued by Austin in Anglo-American Texas, and it is, therefore, given here in full. The letter read as follows:

"Colorado River,
"House of Mr. Castleman's,
"August 6, 1823.

"Fellow Citizens: I have once more the pleasure of addressing you a few lines from the Colorado. My absence has been protracted greatly beyond

my calculations, and has been in the highest degree unpleasant to me, as it has retarded the progress of the most favorite enterprise I ever engaged in; but I now flatter myself with the hope of receiving a full compensation for the difficulties I have encountered by witnessing the happiness of those who compose this colony. I assure you that if my own private and personal interest had been the only incentive to induce me to persevere, I should probably have abandoned the enterprise, rather than have surmounted the difficulties produced by the constant state of revolution in which the country has been, after my arrival in the City of Mexico. But I was animated by the gratifying hope of providing a home for a number of meritorious citizens, and of placing them and their families in a situation to make themselves happy the balance of their lives. One of the greatest pleasures a virtuous mind can receive in this world is the consciousness of having benefited others; this pleasure I now have in prospect. The title to your lands is indisputable—the original grant for this settlement was made by the Spanish government before the revolution; it was then confirmed, and the quantity of land designated by the decree of the Emperor Augustin Iturbide on the 18th day of February last, and the whole was again approved and confirmed by the sovereign congress of the Mexican nation on the 14th of April last, after the fall of the emperor. The titles are made by me and the commissioner of the government, and are then perfect and complete forever, and each settler may sell his land the same as he could do in the United States.

"All that depends on me towards the advancement of the colony will be executed in good faith, so far as my

abilities extend, and with all the promptness in my power; but to enable me to benefit them to the full extent that I wish, it is necessary that the settlers should have confidence in me and be directed by me. I have a better opportunity of knowing what will be advantageous to them as regards their conduct and intercourse with the government than any of them could have had, and I feel almost the same interest for their prosperity that I do for my own family; in fact, I look upon them as one great family who are under my care. I wish the settlers to remember that the Roman Catholic is the religion of this nation. I have taken measures to have Father Miness, formerly of Natchitoches, appointed our curate; he is a good man and acquainted with the Americans. We must all be particular on this subject, and respect the Catholic religion with all that attention due to its sacredness and to the laws of the land.

"I have so far paid all the expenses attending this enterprise out of my own funds. I have spent much time and lost much property on the coast in my absence. I am now engaged in surveying the land, and must pay money to the surveyors and hands employed; besides which I have to pay the expenses of the commissioner, and heavy expenses attending the completion and recording of the titles. A moment's reflection will convince the settlers that all this can not be done without some aid from them; but, as regards this point, they may expect all the indulgence possible. Those who have the means must pay me a little money on receipt of their titles; from those who have not money I will receive any kind of property that will not be dead loss to me, such as horses, mules, cattle, hogs, peltry, furs,

beeswax, home-made cloth, dressed deer-skins, etc. Only a small part will be required in hand; for the balance I will wait one, two and three years, according to the capacity of the person to pay. In fact, I will accommodate the settlers to the greatest extent in my power. I think that those who know me can state that my disposition is not to oppress any man; it is a pleasure for me to benefit my fellow-citizens, and I will sacrifice my own interest rather than distress them for one cent of money. But I have many sacred duties to attend to which can not be executed without money. The most of what I receive from the settlers will be applied for their own benefit, and I think they must all agree that it is also my duty to provide for my own family, and that in justice I ought to be compensated for the losses and fatigue I have sustained in this business, particularly when my labors secure handsome fortunes to my followers. I could exact the payment of all the expenses in hand before the titles are delivered, but shall not do so; the settlers may all rely on the terms above stated.

"The smallest quantity of land a family will receive is one thousand yards square, which may be increased by me and the commissioner without limit in proportion to the size of the family. Young men must join, and take land in the name of one. All thus united will be ranked as one family; they can then divide the land among themselves.

"I shall proceed immediately to the mouth of this river, and on my return go to the Brazos.

"The settlers have now nothing to fear; there is no longer any cause for uneasiness. They must not be discouraged at any little depredations of Indians; they must

remember that American blood flows in their veins, and that they must not dishonor that noble blood by yielding to trifling difficulties. I shall adopt every possible means for their security and defense. I have brought some powder from Béxar, a part of which will be sent to Captain Robison for the use of the militia when needed. Let every man do his duty, and we have nothing to fear. Let us be united as one man; discord must be banished from among us, or those who cause it will meet with the most severe treatment.

"Hoping to meet you soon in peace and happiness, I am,

"Respectfully, your friend and fellow-citizen,

"STEPHEN F. AUSTIN."

Following his installation, Austin proceeded to make an inspection of the whole colony, going first along the Colorado to its mouth, and then to the Brazos. The settlement now took on new life and the colonists began to look to the future with confidence. Anglo-American civilization had gained a foothold west of the Sabine. It would never be dislodged.

CHAPTER VIII.

FIRST CONTRACT COMPLETED.

WHILE Stephen Austin was laying the foundations of Anglo-American civilization in the wilds of Texas and the Mexican congress was making a beginning at establishing a republican government in Mexico, the fate of Texas and of Mexico as a whole hung in the balance of international politics.

For Mexico, including Texas, was regarded by the allied monarchs of Europe as simply one of the colonies of Spain, in a state of revolt, to be sure, but an integral part of the kingdom of Spain none the less. What would be done about those colonies would be decided after dealing with the upstart republicans in Spain itself. The self-styled holy alliance, formed originally by the rulers of Austria, Russia and Prussia, and now joined by Bourbon France, had decided that it would not do to permit the establishment of a constitution in Spain. Ferdinand must be restored to absolute power and to this end a French army had crossed the Spanish frontier at the very moment the republicans in Mexico were banishing Iturbide and annulling all the acts of his government. On May 23 the advance guard of the French entered the Spanish capital, and on June 12 the cortes had Ferdinand hastily declared temporarily insane and fled from Seville to Cadiz, taking the king along against his will. The French army, led by the Duke of Angouleme, followed and began a siege of Cadiz. On Au-

gust 30 the fort of Trocadero was stormed and three weeks later the city was bombarded. The Duke of Angouleme demanded that the cortes surrender the king, refusing to treat until Ferdinand was within his lines. Finally, on October 1, the king was delivered into the hands of the French, and so absolutism was reestablished in Spain.

The next natural step would be to turn now to the Spanish colonies. Alone Spain could never subdue them, just as the royalists of Spain would have been helpless without the intervention of the other powers. But with the assistance of the holy alliance it was reasonable to expect that all of Spain's great colonial empire could be recovered and it would supply rich material for a division of spoils among the powers. The Spanish monopoly of colonial trade in America had long been an object of avaricious longings on the part of other powers. Indeed, its value was even exaggerated, and there was little doubt that there would be adequate compensation in the form of colonial territory for those participating in the enterprise of recovering the Spanish domain in South and Central America and in Mexico.

If such an undertaking had been set on foot its chances of success would have been extremely good. But there were obstacles in the way. Great Britain's attitude created one such obstacle, for that country had held aloof from the intervention in Spain to restore Ferdinand. The British position was that such intervention in the intestine struggles of another country was neither right in principle nor expedient in policy. Great Britain refused to join in such a move, contenting herself with a policy of strict neutrality. But, while neutral to-

ward such intervention in Spain itself, the British ministry indicated clearly that it would not permit the transport of armies to America to carry out a like program in the colonies.

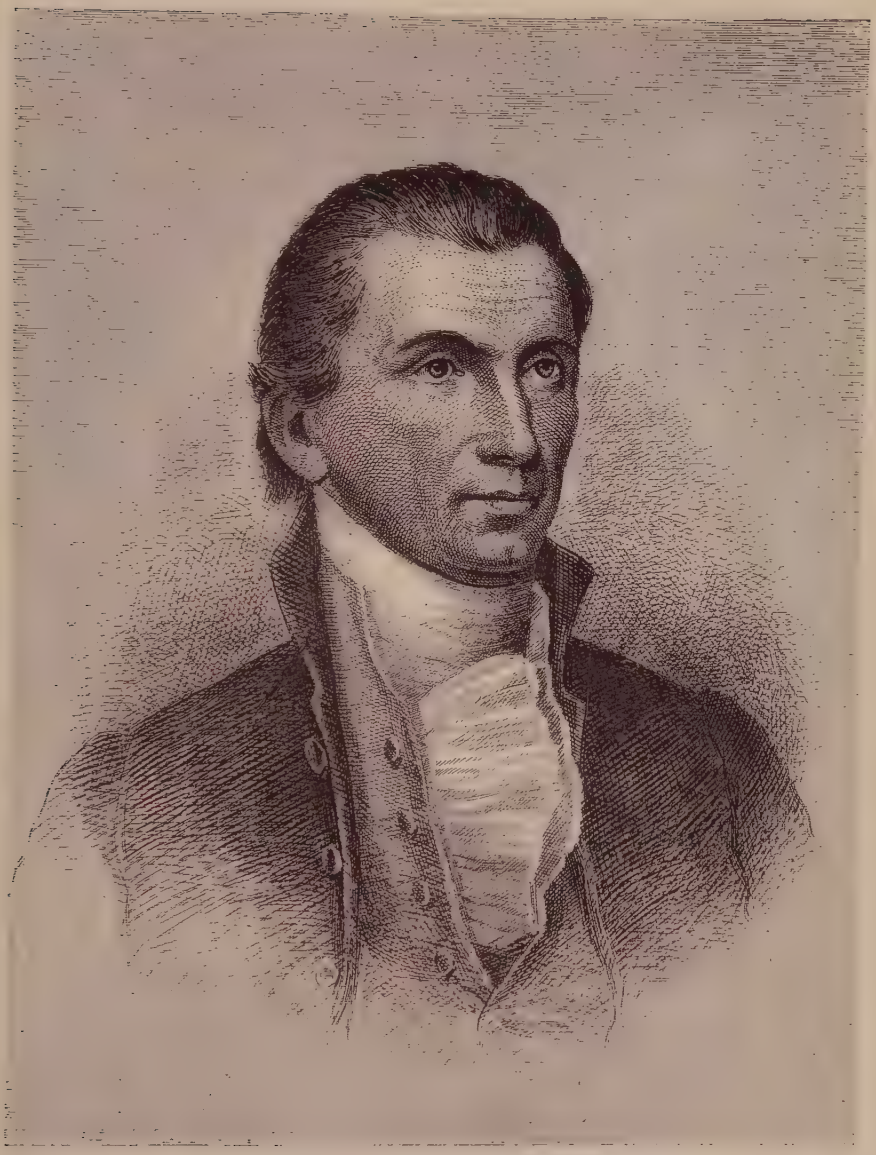
Ever since the beginning of the revolutions in Spain's American colonies in 1810, the Spanish commercial monopoly had been broken down, and a considerable trade with Spanish America had been obtained by both Great Britain and the United States. The British merchants were opposed to a restoration of that monopoly in any form, and, from an international standpoint, the British policy at this time was especially opposed to any enhancement of the power of France. This phase of British policy can be summed up in the words of Canning, who formulated it. "I resolved," he said, "that if France had Spain, it should not be Spain with the Indies."

The little group of Americans in the Texas wilderness were entirely unconscious of the fact that the destiny of the soil upon which they had settled had thus become a pawn in the game of international politics. The republican leaders in Mexico were scarcely more conscious of the situation, and were proceeding to decide the details of the form of government to be established. It was a real danger, nevertheless, and had the British attitude remained the sole obstacle in the way, it might have developed into an immediate menace. But there was another possible obstacle: What would be the policy of the United States of America?

This was the situation when congress gathered to hear the annual message of the president of the United States on December 2, 1823. After that message was

read, however, there was no longer any doubt about the attitude of the United States. President Monroe announced the American policy in no uncertain terms, and in a few well-chosen sentences put an end to all danger of intervention by the allied powers in the Spanish colonies in America. "The late events in Spain," he said, referring to the French invasion, "show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. . . . It is impossible that the allied powers should extend their political system to any portion of either continent (North or South America) without endangering our peace and happiness; nor can anyone believe our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference."

"We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers," said President Monroe, "to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But, with the governments



JAMES MONROE.

who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

It was the announcement of the Monroe Doctrine to the world! What it meant with respect to Mexico and to Texas was simply that if Spain could reconquer them the United States would remain neutral. But, if any other powers joined in such a project, the United States would resist it with armed force. "If we look to the comparative strength and resources of Spain and those new governments," said Monroe, "and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course."

This pronouncement was well timed. It settled, once and for all, the independent destiny of the Western Hemisphere, and incidentally the destiny of Texas. The Mexican people, along with the people of the other Latin-American countries, were thus left to work out their salvation free from the interference of the absolutist powers of the Old World.

As the destiny of the Anglo-American population he was introducing into Texas was linked up with the destiny of the country as a whole, Austin took a keen interest in the course of events in Mexico, and exercised no small influence in shaping them. During his stay

in Mexico City in 1822 and 1823 he formed intimate relationships with many of the Mexican leaders, especially those of the federal wing of the republicans. Indeed, inasmuch as he had become a Mexican citizen, it may be said that he attached himself to that faction. After the fall of Iturbide, the Mexican congress called an election for a new "constituent congress," to represent the assembled will of the people and to draw up a constitution. The condition of the country was becoming chaotic, with no certainty as to the future, and Austin conferred with the federalist leaders on ways and means of bringing order out of chaos.

"The nation was distracted by factions," says Austin, "and on the eve of falling into a general state of anarchy. There was a monarchial party, embracing a majority of the capital and wealth of the nation, but it was divided into two parties, Bourbonites and Iturbidites, the former wishing to have an emperor from Spain, and the latter in favor of Iturbide, who had recently been dethroned. The Monarchists were also divided into absolute and limited—the former were small and quiet, apparently acting with the others.

"There were two grand parties of republicans, the Centralists and Federalists; the former included the most wealthy, the latter were the most numerous. The lower classes of the people, the rabble, who outnumbered any of the others, belonged to no party and to any and all parties as accident or individual influence gave them direction.

"After the fall of Iturbide, in March, 1823, congress jeopardized all by not promptly declaring what system should be adopted. The reason of the delay was, they

preferred calling a new congress to decide that great question; but in the interval the public mind was left in a state of dangerous fermentation, and so early as April and May some of the provinces indicated a disposition to take their own course and set up for themselves without waiting for the decision of the nation. The public mind was distracted and the ferment daily increasing; there was no focus, no rallying-point for public opinion to center on."

This was the condition of affairs when Austin was journeying back to Texas from Mexico City. When he arrived at Monterey he found Ramos Arispe, one of the federalist leaders there, and he discussed with him the general outlook. Austin was anxious that the new government should not only be republican in character, but federal in organization, and that provision should be made for Texas to become a state whenever it possessed sufficient population. Moreover, he desired also that the province should escape being a territory, in the American sense of that term, in the meantime, but that it should form an integral part of one of the states of the federation from the start. The importance of this lay not only in the fact that a maximum of local self-government would be insured in this way, but that the disposition of the public lands and the general colonization of Texas would thus be removed from the hands of the central government and out of the realm of national politics.

With a view to obtaining these ends, Austin made a condensation of the principles of the constitution of the United States, putting them in the form of a "plan," as the Mexicans called it, and submitted it to Arispe.

Arispe was much impressed by it—had it printed and circulated among the federal leaders, and thus a common platform was found for the Federalist party. Austin himself very modestly observes: "I believe this plan had much influence in giving unity of intention and direction to the Federal party. Arispe was the chairman of the committee who drew up the Acta Constitutiva (the provisional constitution), and a comparison of that act with this plan will show a very striking similarity."

The new constituent congress met November 7, 1823. Its membership was overwhelmingly republican. The point of division among the members was whether the government should be federal, with the various provinces erected into states, or centralized, with provincial governments under the jurisdiction of the national government. There was much debate on this question, but many of the provinces had petitioned for a federal government and a majority of the members of the congress were federalists. Moreover, the previous congress had passed a resolution on June 19, directing the supreme executive power to inform the people that the then existing body favored the federal republican system. So the federalist view prevailed and, on January 31, 1824, congress passed the Acta Constitutiva de la Federación Mexicana, or act of confederation, by which the federal system was formally adopted and the basis and outlines of the government established. In accordance with this act, the territory formerly constituting the provinces of Coahuila, Nuevo Leon and Texas were to be erected into a state. The congress then proceeded to carry out the intent of this act by adopting the

permanent constitution, section by section. In due course it reached the section providing the various states, and, on May 7, 1824, it passed the constitutional or organic act relating to Texas. Nuevo Leon was transferred to another state, and the two remaining provinces were erected into the "State of Coahuila and Texas." It was provided that Texas should be made a separate state as soon as it "possessed the necessary elements." The federal constitution was not finally completed and promulgated until October 4, 1824.

During all this period Austin was laboring valiantly to put his colony in order and to complete the quota of his colonists. Texas had been given a very bad reputation in the United States during his absence in Mexico City, and it was no small task to get immigration started again. Moreover, the general chaos existing in the affairs of the country, and the uncertainty of the outlook with respect to the government, did not help in curing this situation nor in reassuring the colonists already in Texas. The entire absence of any written laws for the government of the colony was also a source of annoyance, and Austin, exercising the extraordinary powers bestowed upon him, set to work to draw up a sort of civil and criminal code to supply this lack. When he received the news of the action of congress on January 31, in passing the Acta Constitutiva, Austin lost no time in making this the occasion for issuing a message to his people calculated to restore confidence.

This message, one of the earliest public documents of Anglo-American Texas, gives an insight into the manner in which Austin dealt with the colonists and illustrates the position he continued to occupy for sev-

eral years afterwards. He was the intermediary between the Mexican government and the Anglo-Americans. He was held responsible for the colonists by the government, and he was the only source of information with respect to governmental affairs to which the colonists could look. This delicate position required that he should retain the confidence both of the Mexicans and the Americans, and the diverse character of the respective races and the peculiar characteristics of each, made this a very difficult job at times. It was with genuine enthusiasm, therefore, that he seized the opportunity to announce to the "North American republicans" under his care that the government of the country was to be similar to that of the United States. Austin's message on this ocasion was as follows:

"Fellow Citizens: With the most heartfelt and sincere congratulations, I now have the pleasure of announcing to you officially the form of government which the Mexican congress has adopted, and which you are now called on to swear to; and this I do with the more satisfaction, as I am convinced that there is not a breast among you that will not palpitate with exultation and delight at the prospects of freedom, happiness and prosperity which the federal republican system of government presents to your view.

"Words cannot express to you the satisfaction I feel from the reflection that those whose fortunes I shall be instrumental in promoting in this country can now enjoy them without the alloy which the fear of a despotic government would have thrown into their future hopes. The great Mexican nation is free. Rational liberty, with all its concomitant blessings, has opened to the view of

the world a nation which despotism had hitherto enveloped in intellectual night. The federal republican system, that last and glorious hope of persecuted freedom, first established by the great fathers of North American independence on the ruins of British colonial oppression, and which soon raised a new-born nation to a degree of prosperity and happiness unequaled in the history of the world, now spreads its fostering arms over the vast dominions of Mexico.

"The hitherto enslaved Spanish provinces are now free and independent states. This province forms a state in conjunction with Coahuila and Nuevo Leon, the two adjoining ones. The convention is to meet at the city of Monterey early in the summer to form a constitution. One year more will see the government completely organized, with the several departments of executive, legislative and judicial divided and clearly delineated, and the civil and military powers forever separated as in the government of the United States.

"In the meantime, fellow citizens, we have nothing to disturb our tranquillity here unless we wilfully create confusion and discontent among ourselves. As regards your lands, I am responsible to you, to the world, to my honor, and to my God that no difficulty or embarrassment can or ever will arise unless produced by your own impatience or imprudence. The task I have had before me has been a laborious and perplexing one. I have, however, never shrunk from the hardships, exposure, or the responsibilities which it imposed upon me, nor ever shall. I have endeavored to make the fortunes of every one who joined me in forming this colony, and the

greatest consolation I derive from the enterprise is the conviction that I shall do so.

"It has been my study to treat all with equal justice and impartiality, and if I have failed to do so, it must be attributed to the imperfections of my judgment, and not those of my heart, and, with almost unlimited authority in my hands, I think you must say that I have governed with mildness. It is our true interest to keep peace with the Indians as long as we can do so consistent with our rights; but should a war be unavoidable, you will not find me backward in prosecuting it. I trust, however, that you will all have too much prudence to commit any act that would prematurely bring on hostilities.

"I hope, fellow citizens, you will attend to the words of the political chief of this province, and in future disregard those vague rumors that are only put in circulation by the enemies of good order for the sole purpose of creating confusion and discontent, and that you will repose with confidence under the authority that governs, being assured that the government will always cherish and protect you, and that everything in my feeble power to do for your benefit will be cheerfully done, for, as I before observed, the greatest consolation I ever expect to derive from my labors in the wilderness of this province will arise from the conviction that I have benefited many of my fellow beings and laid the foundation for the settlement of one of the finest countries in the world. "Your fellow citizen,

"STEPHEN F. AUSTIN."

Austin's declaration that "we have nothing to disturb our tranquillity here unless we wilfully create

confusion and discontent among ourselves," was not a mere abstract generalization. "Confusion and discontent" were, in fact, being created through the unwillingness of some of the colonists to abide by the contract to pay Austin for their land at the rate of twelve and a half cents an acre, with the understanding that he should pay all the fees and other expenses. The original agreements, based on Moses Austin's contract, had been for six hundred and forty acres to the head of a family. But the grant which Stephen Austin had obtained at Mexico City, under the provisions of the colonization law, allotted a sitio or league of land—four thousand, four hundred and twenty-eight acres—to a family engaging in stock-raising, and a labor, or one hundred and seventy-seven acres, to a family engaging in farming. As most families would engage in both, they would be entitled to at least a league of land. An agreement to pay twelve and a half cents an acre for six hundred and forty acres was regarded by some as a very different thing from paying that rate for four thousand four hundred and twenty-eight acres, or nearly seven times as much. That it was solely through Austin's efforts that these liberal grants of land were obtained, made little difference with the discontented among the settlers. They simply added up the total amount of land that might be issued to three hundred families and figured that at twelve and a half cents an acre, Austin would receive at least $166,000. How much of this would have to be paid in fees and other expenses they did not know, but they felt that Austin was "speculating" on them, and the circumstance that they were receiving an immense area of land for almost a nominal price was

lost sight of entirely. There was much murmuring and some outspoken criticism of Austin, but Austin insisted that he was entitled to compensation for his labors and should be reimbursed for the money spent during the previous three years by his father and himself, declaring that most of the money he would receive would be devoted to the good of the colony. He had undergone great hardships and his father had sacrificed his life in furthering the colonization enterprise. The settlers would not now have the opportunity to obtain land on such liberal terms had it not been for his efforts and those of his father. Such land at twelve and a half cents an acre was extremely cheap and insured the fortunes of those buying it, he contended.

Many of the colonists, probably most of them, acknowledged both the validity of the contract made with Austin and the liberality of the terms, and if there had been no interference from the government it is probable that the discontent would have been allayed in time. But rumors of the murmuring in the colony reached San Antonio, and the political chief of Texas, Antonio Saucédo, promulgated a schedule of fees, which made no provision whatever for Austin's contracts with the colonists. The total of fees of all kinds for a league of land thus fixed was $192.50, whereas at twelve and a half cents an acre a league would cost the settler $555.00. Austin challenged the right of the governor to annul his contracts in this way, and many of the colonists agreed to pay his fee. But it was clear that many would not pay, and Austin took the position that if some did not pay he would not accept the fee from others. To attempt to enforce his contracts against those who re-

fused to pay, which he had both the power and right to do, would create the very "confusion and discontent" which he feared as the only danger to the colony. Finally, Bastrop agreed to allow Austin one-third of the commissioner's fees, which amounted to $127.50, according to the schedule of the political chief, thus making Austin's share a little less than forty-two dollars a league. Thus these two men, for the sake of harmony, made mutual sacrifice of their rights. It is significant in this connection that, in subsequent legislation on colonization by the Mexican congress, specific provision was made, recognizing the validity of such private contracts between empresarios and colonists as those which existed between Austin and his original "three hundred." Those original colonists, however, received their lands, with clear titles and exact surveys, at a total cost of less than five cents an acre!

In addition to this, the colonists, under the terms of Austin's grant, were exempt from all taxes for six years, all tools could be imported free of duty, and each family could introduce merchandise into the country for its own use to the value of two thousand dollars. That Austin could have obtained other families to take the places of those who were unwilling to pay the price they had agreed to pay, is proved easily by the fact that many families came in during 1824, while this controversy was at its height, who were more than willing to accept Austin's terms. But, for the sake of harmony, and in the interest of the ultimate success of the colony, Austin abandoned the attempt to collect what was justly and legally due him. He did more than that—he worked day and night in the interest of

the colony, performing all kinds of necessary tasks, which he could have refused to do without violating his contract with the settlers or the terms of his grant from the government, but which otherwise would have gone undone. He was the governmental head of the colony for several years, the chief administrator of justice and the general representative of the Anglo-Americans in their dealings with the government—and for none of this did he receive pay.

"It would be impossible," says Dr. Eugene C. Barker, "to exaggerate Austin's labors in the early years of the colony. A letter to the political chief in 1826 gives a clue to their character and variety. He had left San Felipe on April 4, to point out some land recently conceded to one of the state officials, and had been detained by excessive rains and swollen streams until the 29th. On May 1 he had begun the trial of an important case that had lasted seven days; at the same time he had had to entertain a delegation of the Tonkawa Indians, and make preparations for a campaign against another tribe; to talk to and answer the questions of many 'foreigners' who had come to look at the country, explaining and translating the federal constitution and some of the laws for them; to receive and pass upon applications for land, hear reports and issue instructions to surveyors; and to correspond with superior civil and military officers. This, the 8th, his first free day since returning, was mail day, and he had received two communications and dispatched five. Too much of his time, he once complained, was consumed in settling 'neighborhood disputes about cows and calves,' but it was the patience

with which he devoted himself to the minutiæ of the colony, as well as his intelligence and ability in more important things, that accounts for his success."

Austin's powers with respect to the amount of land to be granted to any settler were very broad, inasmuch as he was permitted to increase the allotment for special reasons, such as in consideration of the building of a grist mill, or of possession of some special skill, or of bringing useful slaves into the colony to cultivate the land. It is clear today that he exercised these discretionary powers with remarkable reserve and purely in the interest of the colony itself. But even this was made a cause of complaint among some of the colonists, who charged him with unfair discriminations. Indeed, when he advanced to a few desirable settlers the money to pay the fees in order to obtain their titles, he was criticized even for that. That he acted solely to insure rapid settlement and upbuilding of the colony, and not merely in his own interest, was overlooked by these critics, who saw in such action only "discrimination."

"My ambition," he wrote later, referring to his labors about this time, "has been to succeed in redeeming Texas from its wilderness state by means of the plough alone, in spreading over it North American population, enterprise and intelligence. In doing this I hoped to make the fortunes of thousands and my own amongst the rest. . . . I think I derived more satisfaction from the view of flourishing farms springing up in this wilderness than military or political chieftains do from the retrospect of their victorious campaigns. My object is to build up for the present as well as for

future generations. . . . I deemed the object laudable and honorable, and worthy the attention of honorable men."

Dr. Barker has said that "considering the difficulties of his task, the completeness of his responsibility for its accomplishment, and its far-reaching results, Stephen F. Austin has claims to being the greatest colonial proprietor in American history." Without becoming bombastic, or indulging in exaggerated superlative, it may be added that he was one of the greatest empire-builders in modern history. For, with a full consciousness of the real character of the work he was doing, with deliberate purpose to lay the foundations of civilization in the Texas wilderness, and with extraordinary foresight with respect to the future effect of present acts, he worked patiently and persistently from the beginning, overlooking no detail, however trivial it may have seemed to others, which he regarded as of importance to his main purpose. It is futile to indulge in speculation as to what turn history might have taken had not this or that circumstance affected its course. But that the history of the region now constituting the State of Texas would have been radically different had not Stephen Austin undertaken the work which he performed with such a marked degree of success, there can be not the slightest doubt.

No aspect of Austin's labors during this early period was so far-reaching in its effect upon the future as the care he exercised in admitting colonists and the high standard he set. To "redeem Texas from its wilderness state by means of the plough alone" required a certain type of population, and he sought to obtain only

that kind. It has been seen that the very first requirement he laid down in forming the nucleus of his colony in 1821 had this end in view. For that requirement was that "no person will be admitted as a settler who does not produce satisfactory evidence of having supported the character of a moral, sober and industrious citizen." In setting about the work of rehabilitating the colony after his return from Mexico, he laid even greater stress upon this point. On October 30 he issued, for the benefit of prospective settlers, a statement headed: "Terms on which settlers are admitted into the colony formed by Stephen F. Austin in the Province of Texas," and in this he declared that settlers must give "the most unequivocal and satisfactory evidence of unblemished character, good morals, sobriety and industrious habits," and must have sufficient means to pay for their lands and get a start in the colony as farmers or mechanics. The statement specifically provided that "no frontiersman who has no other occupation than that of a hunter will be received—no drunkard, no gambler, no profane swearer, no idler." Such was the standard Austin set and such the spirit in which he began the work of establishing the colony on a permanent basis. That he meant business was soon demonstrated when one gentleman who did not measure up to these qualifications was publicly whipped at Austin's command for entering the colony without the proper credentials.

Austin fully recognized, however, that to maintain order and to insure the protection of property and person—the fundamental requisites of civilized life—would require something more than the mere exercise

of care in selecting colonists. It would require just laws and open courts, and he set about providing these soon after his return from Mexico. In December, 1822, the governor of the province had divided the colony into two districts and installed one alcalde on the Brazos and another on the Colorado. These two officials had operated under great difficulties, being without any established procedure to guide them and entirely ignorant of the laws of the country. They administered justice according to the dictates of common sense, but they knew nothing of the limits of their authority and much uncertainty and confusion were occasioned in this way. That a community of "North American republicans," as Austin very aptly described the settlers, could not be governed successfully very long in this fashion was clearly recognized by him, and it was to meet this situation that he set about the task of drawing up a sort of civil and criminal code for the government of the colony. There was greater need of the civil code, for the infractions of criminal law in such a settlement were not likely to be of a very involved character. Frontier justice has seldom been timid in dealing with theft, murder and such elemental crimes. But questions involving property rights, the payment of debts, the fulfilling of obligations of various kinds—in short, the numberless questions related to the general subject of the security of property—were likely to be as involved and troublesome on the frontier as elsewhere. Proper legal forms and procedure and definite legal provisions were absolutely essential if a civilized community was to be established, and the alcaldes were without anything of the kind.

SHADED PORTION SHOWS REGION OF FIRST COLONY, INDICATING PRESENT COUNTIES.

The entire governmental authority in the colony at this time was vested in Austin himself, subject only to the approval of the superior government, and if it was to have laws and standards of procedure he would have to provide them. Circumstances, therefore, compelled Austin to assume the role of paternal law-giver; to become the Moses of these sojourners in the wilderness. As in other things, he rose fully to the occasion, drew up both a civil and a criminal code and, after obtaining the official sanction of the political chief of the province, boldly promulgated them as the law of the colony. Austin had served as a circuit judge in the Territory of Arkansas, and had read law sufficiently to equip him to be the law-giver of his people. His own position in the judicial system of Mexico was that of "judge of the colony," which made him the final arbiter of justice for the settlers short of an appeal to the Mexican government itself, and even if he had been provided with a complete system of laws by the authorities over him, it would have been his task to interpret those laws, and to acquaint his settlers with their provisions. With nothing to guide him, and with powers of undefined limits, he had no choice but to hand down the laws in very much the same manner as a benevolent despot might perform a like duty.

In the case of the civil code he declared modestly that he "thought proper . . . to form provisionally, and until the supreme government directs otherwise, the following regulations." In the case of the criminal code he boldly "decreed" its provisions. Addressing this decree "to all persons," he set forth the authority and occasion for it in the following language:

"Charged by the superior government of the Mexican nation with the government of this colony until its organization is completed, and observing that the public peace and safety of the settlers is jeopardized by the pilfering depredations of strolling parties of Indians and robbers, and also that the good of the colony is endangered by the introduction and transit of men of bad character, and its good morals scandalized by their irregular conduct, I have thought proper, in order more effectually to insure good government, security and tranquillity, to decree as follows."

This "decree," which was promulgated on January 22, 1824, was formally approved by the political chief of Texas on May 24. On the same date he approved the civil "regulations," adding two articles himself relative to stray cattle and to cattle brands. The full text of both these documents, constituting the first civil and criminal codes of Anglo-American Texas, is given in the appendix of this volume.

Meantime Austin was establishing the town of San Felipe de Austin as the capital and commercial center of the colony, and he divided the district of the Brazos into two districts, forming the new district of San Felipe with a separate alcalde. In the autumn of 1824, when the authorities consented to the extension of the limits of the colony to include some settlers who had established themselves on the San Jacinto, the alcalde's district which had previously been created there became a fourth district under Austin's jurisdiction. Thus, within a year after his return to Texas from Mexico City, the full machinery of Austin's paternal government was in operation. Law and order were established,

with regular forms of procedure and a uniform standard of practice, throughout the new settlements, and both property and person were quite as secure under the law as in many of the communities of the United States.

Early in October, 1823, two months after Austin's return to the colony, the work of allotting land to the settlers was begun. The wisdom and foresight of Austin were again in evidence here, for he insisted upon having the most precise surveys made, in order that no questions could be raised as to titles in the future. He employed Horatio Chriesman as surveyor for the colony, and the survey of the first league was made on October 10. New settlers began arriving and within a few months the quota of three hundred families was practically completed. The surveying progressed so rapidly that by July the issuance of titles was begun by Baron de Bastrop. The record of these titles in the general land office at Austin provides us today with a graphic outline of the region occupied by the original colonists. Most of the titles were for land along the Brazos and the Colorado rivers, now situated in the counties of Brazoria, Fort Bend, Waller, Matagorda, Austin, Wharton, Colorado, Washington, Grimes, Fayette, Burleson and Brazos. But the colonists also selected land along other streams, and in the adjoining territory. There were a number of titles for land now situated in Harris county, and a few for tracts in Jackson, Lavaca, Chambers and Galveston counties. These seventeen counties, in the southeastern section of the present State of Texas, constitute the region in which

the "old three hundred," as Austin's original colonists came to be known, laid the foundations of Anglo-American civilization.

Austin exercised his discretionary power to increase the amount of land granted to several colonists for special reasons. A number of those who endured the hardships of the period of Austin's absence in Mexico City were rewarded in this way. James Cummins, John P. Coles and William Rabb received increases for erecting water-power grist mills. Jared E. Groce received ten leagues "on account of the property he brought with him," which included a number of slaves. As empresario, Austin himself was given title to large tracts in the present counties of Brazoria and Wharton.

Baron de Bastrop continued to issue titles during the months of July and August, but on August 24 he was called away before he had completed his work. The record shows that he issued two hundred and seventy-two titles before that date. The rest were not issued until 1827, when Gaspar Flores was appointed as the old baron's successor. The actual number of families receiving titles under Austin's first contract, including single men joined together as families, was two hundred and ninety-seven. The list of the "old three hundred," together with the date of the issuance of title, the present county in which the land is situated, and the amount of land received by each, is given complete in the appendix of this volume.

Austin had promised the colonists, in advising a policy of patience with the Indians, that if war with them proved inevitable, "you will not find me backward in prosecuting it." He had already given them

some demonstration of this, for shortly after his return to the colony he had compelled the chief of the Tonkawas to restore a number of horses which five of his Indians had stolen, and to deliver up the culprits for punishment. Each of these five Indians was condemned to receive fifty lashes and to have one side of his head shaved, branding him as a thief. It was required that the chief himself should administer half of the lashes to each Indian, and Abner Kuykendall, as representative of the colonists, should administer the other half. The sentence was carried out strictly, except that one of the Indians escaped a whipping because of illness. It is said that the chief's performance was more or less perfunctory, and that the Indians feigned swooning under his light blows. But when Kuykendall began to lay on the whip, the Indians came to life in a hurry and let out such yells as left no doubt about the severity of the punishment.

This proved a very effective method of dealing with the thieving Tonkawas, but the Karankawas required different treatment. The depredations of these Indians had become such a menace to the security of the colonists that Austin decided to lead an expedition against them. Accordingly, in July, 1824, he organized a force of forty or fifty men and left San Felipe in search of the Karankawas. It was the first time the colonists had so definitely taken the offensive, and it came as a surprise to the Indians. The memory of the slaughter at Scull Creek was fresh in their minds, and they had no relish to meet such a formidable force of the white men. In consequence Austin scoured the

country in the region in which they had been most active without finding a single Karankawa. He was determined not to be outwitted by the Indians in this way, however, and returned to camp to equip a force for a more extended expedition. This time the party was augmented by a company of thirty slaves belonging to Col. Jared E. Groce, well mounted and armed, and commanded by Colonel Groce in person. The expedition mustered about ninety men when it started out again. It was well equipped for an extended campaign, for Austin had determined to have a final reckoning with the Karankawas. But still the Karankawas were nowhere in sight, and it was plain that they were in hiding. It was finally guessed that they had gone to the San Antonio river, in the neighborhood of La Bahía, where they were nominally under the jurisdiction of the padre, and Austin and his party set out for that region.

As the settlers approached La Bahía, however, a delegation consisting of the Mexican civil and ecclesiastical authorities of that place, came out to meet them. It was soon made clear that the Mexicans had come to intercede in behalf of the Karankawas. The Indians were thoroughly frightened, it seemed, and would promise to behave themselves in the future. The Mexicans informed Austin that the Karankawas would agree not to pass east of the San Antonio river in the future if the settlers and Austin agreed not to make war on these Indians as long as they kept that promise. Thus was comparative security against these Indians established. The promise was kept only for a time and,

at a later date, the Karankawas committed other depredations, but there was a period of peace following this demonstration of force.

The year 1824 closed with the colony firmly established. During the autumn of that year the settlers gathered crops from land to which they had valid legal titles, duly recorded, and the boundaries of which had been fixed by careful survey. They had homes to defend, and a regularly organized government to secure them in the possession of those homes. The population had increased during the year, and the outlook for further colonization of Texas had become brighter. Social life had begun to develop and the beginnings of a town had appeared at San Felipe. Finally Isaac M. Pennington had inaugurated the educational history of Texas by starting a school, teaching those fundamentals of all culture—reading, writing and arithmetic. There still were less than one thousand Anglo-Americans in Texas, but most of them were organized into a social body under the benevolent rule of Stephen Austin. There were a few settlers east of Nacogdoches, in the region of Ayish bayou, but these were not yet in legal possession of their lands, and could be ejected at the will of the Mexican government. Austin's colony was a legal part of the Mexican nation and its people citizens of Mexico. Anglo-American civilization had been permanently established in Texas.

CHAPTER IX.

MEXICO INVITES THE WORLD.

THE project of settling three hundred families west of the Sabine, which Moses Austin had conceived and started, was now an accomplished fact. Stephen Austin had wrought his father's dream into a splendid reality. Having succeeded so well in the face of such manifold difficulties, the son now proposed to continue the work thus begun. There was room in Texas, even within the boundaries of his own colony, for many thousands of Anglo-American families. To "redeem Texas from its wilderness state by means of the plough alone" would require a great number of sturdy farmers. The establishment of the first colony was only a beginning.

Accordingly, on November 6, 1824, Austin forwarded to Mexico City a petition, addressed to the supreme executive power, asking for authority to introduce two or three hundred additional families into Texas, and praying that Galveston be made a port of entry. So slowly did news travel from the capital to the wilderness of Texas, that Austin did not know that the supreme executive power had been supplanted by the duly elected president nearly a month before he dispatched this petition, and he had not yet received a copy of the general colonization law which congress had passed the previous August. In accordance with a decree of congress, an election for members of the legislature of the state of Coahuila and Texas had been

held in May, and the colonists had voted almost unanimously for the Baron de Bastrop, who was elected as the sole member of that body from Texas. It was to attend the first session of the legislature at Saltillo that the baron had been called away while issuing titles to the colonists. It had been provided that the president and vice-president of the new federal republic should be elected by a vote of the state legislatures, and the legislature of the State of Coahuila and Texas had complied with this provision. As a result of this election, Gen. Guadalupe Victoria, a member of the federalist party, and for more than a decade an outstanding revolutionary leader, was named president, and Nicholas Bravo, also a famed revolutionary leader, was named vice-president. The new federal constitution was completed and signed on October 4, 1824, and six days later the first president and vice-president of the republic took the oath of office. However, being unaware of the inauguration of Victoria and Bravo, and believing the supreme executive power to be still at the head of the government, Austin addressed his petition to that body.

In December Austin received a copy of the general colonization law, and as it provided that the respective states should have jurisdiction over their unoccupied lands, and as a state law for Coahuila and Texas was taken up immediately by the legislature, he now addressed a petition to the governor of the state, under date of February 4, 1825, asking for a contract to introduce three hundred families. Meantime, the federal authorities had forwarded to the governor the petition which Austin had sent to Mexico City. Austin,

however, had heard nothing from either petition and, as the state colonization law was passed in March, he addressed to the governor still another petition, this time fixing the number of families at five hundred. Before this petition reached the governor, that official acted on the former requests, and granted Austin a contract to introduce three hundred families. In accordance with the last petition, however, this was subsequently amended, increasing the number to five hundred families.

The general colonization law, which was passed by the national congress on August 18, 1824, empowered each state to enact its own colonization law, subject to certain restrictions. Chief of these restrictions were the following:

1. No colony should be established within twenty leagues of a neighboring country, or within ten leagues of the coast, without the consent of the federal government.

2. The federal government should have the right to use the lands within the states for governmental purposes.

3. Preference in the granting of lands must be given to Mexican citizens.

4. No one would be permitted to retain title to more than eleven leagues of land, and no transfers in mortmain would be permitted.

5. No one residing outside the republic could acquire land under the law.

6. The federal government might take such precautionary measures as it might deem expedient for the protection of the country as respects foreigners who

came to colonize, but congress was not to prohibit immigration before 1840, though foreigners of any particular nation might be excluded at any time.

Through the influence of Erasmo Seguín, who was the member of congress from Texas, a provision was included in this law which guaranteed private contracts entered into between colonists and empresarios. This was done at the suggestion of Austin, in order to prevent the recurrance of controversies similar to that which arose between him and his colonists over the rate per acre they had agreed to pay him.

Under the authority of this act, and within the limits of these general restrictions, the legislature of the state Coahuila and Texas passed a state colonization law, which was approved by the governor and promulgated on March 24, 1825. Baron de Bastrop, as the member from Texas, had much to do with the drafting of this law, and through him Austin influenced its provisions considerably.

The preamble of the measure admirably summed up the reasons prompting the Mexicans to invite Anglo-Americans to settle Texas. "The constituent congress of the free, independent and sovereign state of Coahuila and Texas," it declared, "desiring by every possible means to augment the population of its territory, promote the cultivation of its fertile lands, the raising and multiplication of stock, and the progress of the arts, and commerce; and being governed by the constitutional act, the federal constitution, and the basis established by the national decree of the general congress No. 72, have thought proper to decree the following law of colonization."

The recognition of the importance of settling Texas, even with Anglo-American population, had by this time become general among the public men of Mexico. The foresight of Moses Austin as to the inevitable course which would have to be taken with respect to Texas had been fully vindicated. Nothing could better illustrate this than the fact that in both the general congress and the state legislature the question of prohibiting slavery in such proposed colonies was raised, and in both cases the argument which prevented the adoption of such a provision was that if slavery should be prohibited it would retard immigration from the very states in the United States which might be expected to supply the needed population in Texas. For this reason Baron de Bastrop, whose labors in behalf of the colonization of Texas have never been fully appreciated, opposed vigorously in the state legislature the proposal to prohibit slavery.

"All foreigners," declared the state colonization law, "who in virtue of the general law of the 18th of August, 1824, which guarantees the security of their persons and property in the territory of the Mexican nation, wish to remove to any of the settlements of the State of Coahuila and Texas, are at liberty to do so; and the state invites and calls them. . . . Those who do so, instead of being incommoded, shall be admitted by the local authorities of said settlements, who shall freely permit them to pursue any branch of industry that they may think proper, provided they respect the general laws of the nation, and those of the state."

The law provided for the empresario system, such as had been in force in Louisiana under Spanish rule,

and was thus in this respect also the final triumph of the ideas of Moses Austin and Baron de Bastrop. It provided for a premium of five leagues and five labors of land, or twenty-three thousand and forty acres, for each one hundred families that an empresario might introduce into the state, but no empresario should receive this premium for more than eight hundred families, no matter how many he might bring in. Each family engaging in farming would be granted a labor of land, but if a family raised livestock also this would be increased to a league. Only one-fourth of these amounts, however, would be granted to a single man, but it would be increased to the legal limit upon marriage. If such a man married a Mexican woman he would be granted one-fourth more land than other settlers. It also was provided that the government, upon recommendation of the commissioner and the local ayuntamiento, might increase these amounts in special cases in proportion to the size of a family or the industry or activity of a settler.

A flat charge of thirty dollars for a league of pasture land was assessed against the settler, but he was permitted to pay this in three installments, these being due in four, five and six years, respectively. For a labor of unirrigable land a charge of two dollars and a half was made, and for a labor subject to irrigation the charge was three dollars and a half. The fees for surveying and other expenses were in addition to these charges by the government.

The law exempted colonists from taxes for ten years in the following provision:

"During the first ten years, counting from the day

on which the new settlements may have been established, they shall be free from all contributions, of whatever denomination, with the exception of those which, in case of invasion by an enemy, or to prevent it, are generally imposed, and all the produce of agriculture or industry of the new settlers shall be free from excise duty, or other duties, throughout every part of the state."

The government reserved the right to sell land directly to Mexicans, but not to foreigners, the price of such land being fixed at one hundred dollars a league for pasture land, one hundred and fifty dollars for unirrigable land, and two hundred dollars for irrigable land. In accordance with the limitation set by the general law, it was provided, however, that no individual could purchase more than eleven leagues of land in this way.

Finally the law made provision for the establishment of towns, setting forth certain regulations governing the manner in which they should be laid out.

Thus it was that the legal machinery "to redeem Texas from its wilderness state by means of the plough alone" was provided, and it was set in motion three weeks after the promulgation of the law. On April 15, 1825, the first three contracts under the new law were made. On that day Green DeWitt obtained a contract to settle four hundred families, Frost Thorn obtained one for four hundred families, and Robert Leftwich and the Nashville company one for the legal limit of eight hundred families. Three days later a contract was granted to Hayden Edwards, this also being for the settlement of the limit of eight hundred families, and

on April 27 the grant to Austin, already noted, was made. The law had been passed scarcely a month, therefore, when contracts had been granted for the settlement of twenty-seven hundred families in Texas, and this was increased shortly to twenty-nine hundred by the amendment of Austin's contract. Each of these contracts designated certain limits in which the empresario might settle his colonists. DeWitt's colony was assigned to the region just west of Austin's settlement, that of Leftwich and the Nashville company was north of Austin's colony, Thorn's grant was in the northern part of Texas, between the Brazos and the Trinity rivers, and finally Hayden Edwards's contract called for the settlement of the region in East Texas, from a point north of Nacogdoches to the margin of the reserved land on the coast. There were many settlers, both American and Mexican, already within the limits of Edwards's grant, and it included the town of Nacogdoches itself, but provision was made that Edwards should respect the titles already existing. His contract was to settle the "vacant" lands in that section.

Austin's contract was for the further settlement of the region in which his original three hundred families already were established, and over which he had jurisdiction as "principal judge and chief of the militia." This territory may be said roughly to have been from the Lavaca to the San Jacinto and from the San Antonio road to the ten league reserve on the coast.

Austin's greatness as a colonizer is nowhere better demonstrated than in the contrast between his work during the next few years and that of the other empresarios.

THE SHADED PORTION OF THIS DIAGRAM SHOWS THE REGION IN WHICH AUSTIN'S FIRST COLONISTS SETTLED, IN RELATION TO THE PRESENT STATE OF TEXAS. THIS REGION WAS THE CRADLE OF ANGLO-AMERICAN CIVILIZATION IN TEXAS.

In all the army of promoters, of various grades of ability and shades of character, who obtained contracts under the state colonization law during the next five years, not one appeared who in any remote degree approached Austin from any standpoint in fitness for the task of settling a colony successfully. Indeed, only one may be said to have succeeded in carrying out his contract at all, and that was Green DeWitt, whose grant, as has been noted, was situated immediately adjacent to Austin's colony on the west. Many of the others never introduced a single family, and the methods of some of them were those of the modern "blue sky" promoter. But Austin continued to build on the solid foundation he had laid, laboring day and night for the development of the colony and for the establishment of orderly civilized life in the country he had found a complete wilderness. It has been observed that Austin had an advantage in that he had a successful colony already settled when the other empresarios appeared on the scene. But the answer to that is that in establishing that first colony he faced difficulties and conditions which no other empresario had to face, and that the very existence of Austin's original colony was to the new empresarios an advantage such as Austin did not have when he first came to Texas. The real explanation of Austin's incomparable success, where so many others failed, lies in the man himself. He was, in truth, "the greatest colonial proprietor in American history." He had a true comprehension of the precise nature of the task he had undertaken, a comprehensive knowledge of the elements involved, which he had acquired through painstaking labor and sometimes bitter experience, and

a whole-hearted devotion to his mission as a builder of civilization—and all in such a degree as to amount to genius.

"Such an enterprise as the one I undertook in settling an uninhabited country," he wrote some years later, "must necessarily pass through three regular gradations. The first step was to overcome the roughness of the wilderness, and may be compared to the labor of the farmer on a piece of ground covered with woods, bushes and brambles, which must be cut down and cleared, and the roots grubbed out, before it can be cultivated. The second step was to pave the way for civilization and lay the foundation for lasting productive advancement in wealth, morality and happiness. This step might be compared to the ploughing, harrowing, and sowing the ground after it is cleared. The third and last and most important step is to give proper and healthy direction to public opinion, morality, and education, . . . to give tone, character, and consistency to society, which, to continue the simile, is gathering in the harvest and applying it to the promotion of human happiness. In trying to lead the colony through these gradations my task has been one of continued hard labor. I have been clearing away brambles, laying foundations, sowing the seed. The genial influences of cultivated society will be like the sun shedding light, fragrance and beauty."

Austin's first step upon obtaining his grant under the state colonization law was one of caution. Upon receipt of a copy of the law he found some of its provisions vague and susceptible of varied interpretation. He was determined to comply with the law to the very letter, so far as that was possible, and where doubtful questions

arose to put the responsibility of interpreting them upon the government. Although there was a provision guaranteeing contracts made between empresarios and settlers, it contained a qualifying clause that made it of doubtful value, for it provided that such contracts were guaranteed where the empresario brought the settlers in "at his own expense." Austin had no intention of paying the expenses of prospective settlers into the colony, but he did expect to be paid for the labor of obtaining a title for a settler and the other duties incident to the whole business of managing and directing the settlement of a colony. Moreover, the precise relation of the empresario to the region which he was authorized to settle was not very clear. The contracts set forth specific boundaries within which each empresario was authorized to settle families, and provided that at the expiration of the contract the unoccupied land remaining reverted to the government. But, as all titles to the settlers should be issued by the government itself, the land remained public land even during the life of the contract.

Austin decided that he would separate any fees he charged entirely from the price to be paid for land, and place them on a basis of pay for his services to the colonists, services he was not bound to perform under the law, but which were very necessary in order to insure the titles of the colonists to their lands. He also decided that he would assume no authority with respect to the placing of settlers on their lands, but would hold that this responsibility rested upon the commissioner of the government. There had been no commissioner in the colony since Baron de Bastrop had left to attend the

session of the legislature, and a few of Austin's original settlers were still without title-deeds to their lands. Accordingly, he wrote to the political chief of Texas, the official who was directly over that "department" of the state of Texas and Coahuila under the new state government, and set forth all this in plain language. He submitted a schedule of fees, including both those of the government and his own, for official approval, and suggested that it would be necessary for the government to send a commissioner to the colony before he could proceed under the new contract.

All this was done in order to insure the strictest regularity under the law and to protect settlers coming to the colony against even the suggestion of a cloud on the titles to their lands. He was also determined to avoid any repetition of the controversy over his own compensation. The statement he submitted to the political chief, José Antonio Saucédo, was under the heading, "Regulations to be observed by those desiring land in Austin's Second Colony." It provided that applicants for a league of land must pay, in addition to the thirty dollars paid to the government, the following fees: To the commissioner, fifteen dollars; to the secretary of the colony, who filed the application and translated and recorded the papers, ten dollars; and to the empresario, sixty dollars. Later he explained that this fee of sixty dollars was "a compensation for the labor of translating and attending to getting the titles for the applicant, which I am not bound to do, as empresario, unless paid for it."

This made the cost of a league of land, including the fees paid to the government, the commissioner, the sec-

retary and to Austin, amount to a total of one hundred and thirty-five dollars, or a fraction over three cents an acre! But even this fee of sixty dollars was later reduced to fifty, for which a note was given with the application and the whole of which was payable in one year after the delivery of the title. Small as it was, this fee frequently was never paid, a fact which to this day is mutely attested by hundreds of notes for fifty dollars each, made out to Stephen F. Austin, which form part of the Austin papers now in the archives of the University of Texas. It was Austin's policy not to turn away desirable settlers because they were without means of paying, and the success of the whole project of colonizing Texas was of greater consideration to him than the collection of any amount owed to him by an individual.

Whatever else he may have been lax about, however, Austin was absolutely strict in the enforcement of his rule requiring satisfactory recommendations from prospective colonists. In opening up his second colonization project, he laid even greater stress on this point than ever—that undesirable settlers were not wanted on any terms. It became more difficult to enforce this rule as the tide of immigration increased during the years following the passage of the state colonization law, especially as there was little or no regulation of travel through Texas. Shady characters from the United States drifted into Texas, some coming in search of new fields of operation and others as fugitives from justice. In time Nacogdoches, because of its proximity to the Louisiana border, and because it was the first town an immigrant struck, became the chief rendezvous of gamblers, sharpers and thieves, who would lie in wait there

to trap the greenhorn just arrived from "the States" and relieve him of his money. Austin used every means to keep such characters out of his colony, not only as settlers, but even as transients, and while, in the very nature of things, it was not always possible to succeed in this, he did manage to maintain a very high standard among his colonists.

The immediate effect of the granting of the new contracts under the state colonization law was to stimulate immigration to Texas. Noah Smithwick, an early settler, who was drawn to the new promised land as a youth by the glowing accounts of the new empresarios, says that "what the discovery of gold was to California, the colonization act of 1825 was to Texas." This is true in the sense that it started the tide of immigrants across the Sabine which resulted in the settlement of the country, just as the discovery of gold brought about the settlement of California. But it would be a mistake to picture the immigration to Texas as resembling the frenzied rush across the continent in "forty-nine and fifty." However, each new empresario did become a "press agent" of Texas, and the ease with which a fortune in land might be acquired there was heralded far and wide. Indeed, some of the evangels "put it on a little thick," so to speak, and many immigrants were led to expect quite the opposite of the true conditions existing.

Smithwick gives a graphic impression of all this, which is all the more vivid because it is a recollection of the effect which the tales of the empresarios had upon him as a lad in his teens. He says of one of them that "the glowing terms in which he descanted on the ad-

vantages to be gained by emigration, were well calculated to further his scheme." After enumerating the facts with respect to the amount of land to be had and the liberal terms upon which it was granted, this empresario, according to Smithwick, went on to describe other advantages. "An abundance of game, wild horses, cattle, turkeys, buffalo, deer and antelope by the drove," solved the food question, he said. "The woods abounded in bee trees, wild grapes, plums, cherries, persimmons, haws and dewberries, while walnuts, hickory nuts and pecans were abundant along the water-courses. The climate was so mild that houses were not essential; neither was a superabundance of clothing or bedding, buffalo robes and bearskins supplying all that was needed for the latter and buckskin the former. Corn in any quantity was to be had for the planting, and, in short, there the primitive curse was set at defiance. Mexican soldiers were stationed on the frontier to keep the Indians in check. Of the hardships and privations, the growing dissatisfaction of the Indians . . . he was discreetly silent. Viewed from that distance, the prospect was certainly flattering, and it should not occasion surprise that men with large families . . . were induced to migrate thither with the hope of securing homes for themselves and children."

"I was a boy in my nineteenth year," continues Smithwick, "and in for adventure. My older brothers talked of going. They, however, abandoned the project; but it had taken complete possession of me, so, early in the following year, 1827, I started out from Hopkinsville, Kentucky, with all my worldly possessions, consisting of

a few dollars in money, a change of clothes and a gun, of course, to seek my fortune in this lazy man's paradise."

So it was that the "lure of Texas" spread over the Southern states. During the period of which Smithwick writes there were many who, like his brothers, "talked of going," and the stories of the empresarios and their agents were repeated, with imaginative additions, no doubt, as they passed from tongue to tongue. In consequence some of those who "talked of going" did go, and, arriving in Texas, many of these stayed in spite of disillusionment. That few of them were any better equipped to begin life in the new land than Smithwick, with his few dollars, a change of clothes and a gun, is not surprising. Indeed, Smithwick was better equipped than many, for he was a blacksmith and gunsmith by trade and his skill was needed. If a full record of the experiences of those who set out for Texas under the spell of the stories of the empresarios during those first years could be had it would run the whole gamut of human experience. It would contain much of sorrow and suffering and disappointment, and not a little of folly. On the other hand, it would also contain much of courage, of intelligent faith in the future and of patient labor. For, among the throng, there were those of the true pioneer spirit, men and women who realized fully what it meant to found a home in a new land, but who, nevertheless, felt equal to the task, and who, with courage and patience, settled down to work with their eyes fixed confidently on the future. It was with such that Austin sought to people the territory over which his original three hundred were scattered.

In the face of the new situation which had developed, Austin set about organizing his work on a sounder and more businesslike basis. In September, 1824, he appointed Samuel M. Williams secretary of the local government of the colony, paying him one thousand dollars a year out of his own pocket. Williams was a man after Austin's own heart, for, in spite of the inadequate compensation, he worked unceasingly, with patient attention to detail and whole-hearted concern for the colonists' interest. His chief duties were to care for the land and other records of the colony, and to handle the infinite details attendant upon the process of converting a newly arrived immigrant into a full-fledged settler, with a title to his land, duly recorded in the archives of the local government, and a place in the growing community. He was especially fitted for this work, for he had previously lived in Mexico and spoke and wrote Spanish like a native. Austin himself has testified that Williams discharged his duties "with a degree of fidelity and industry which justly entitled him to the approbation and confidence" of the settlers. "The land and other records of this colony," said Austin, "present abundant evidence of his neatness and accuracy; and the registry, or record book, in which the land documents and title-deeds are recorded, will forever afford proof of the labor, care, and precaution that have been devoted to the perpetuation of those important archives."

It was in the attention to such details as this, and in the care he exercised to maintain cordial relations with both the Mexican authorities over him and the colonists under his jurisdiction, that Austin excelled the other empresarios. There was something solid about his

colony, giving the impression of permanence, and this inspired confidence on the part of both the government and prospective settlers.

Only one other contract, besides those already noted, was granted by the state government during 1825. It was that of Martin de Leon, a prosperous rancher, who obtained permission to move forty-one Mexican families to Texas on October 6. These were families of his own employes, to each of whom a league of land was to be granted. The army of empresarios, however, soon began to grow, and, in time, the whole of Texas was plastered with their paper grants. Among the other leading contracts granted at different times under the state colonization act were the following: Benjamin R. Milam, January 12, 1826, to settle two hundred families; Gen. Arthur C. Wavell, March 9, 1826, for four hundred families; Stephen J. Wilson, May 27, 1826, for two hundred families; John L. Woodbury, November 14, 1826, for two hundred families; Joseph Vehlein & Co., December 21, 1826, for three hundred families; David G. Burnet, December 22, 1826, for three hundred families; John Cameron, May 21, 1827, for one hundred families; Hewetson & Power, June 11, 1828, for two hundred families; McMullen & McGloin, August 19, 1828, for two hundred and ninety-nine families; Exeter & Wilson, February 23, 1828, for one hundred families; Manuel R. Arispe, November 12, 1828, for two hundred families; Joseph Vehlein & Co., November 17, 1828, for one hundred families; Martin de Leon, April 30, 1829, for one hundred and fifty families; J. A. Padilla and T. J. Chambers, February 12, 1830, for eight hundred families; Gen. Vicente

Filisola, October 15, 1831, for six hundred families; José Manuel Raguela and J. C. Beales, March 14, 1832, for two hundred families; Juan Vicente Campos, agent of a Mexican company, May 1, 1832, for four hundred and fifty families; James Grant and J. C. Beales, October 9, 1832, for eight hundred families; Fortunato Soto and Henry Egerton, January 1, 1834, for eight hundred families.

Besides these, there was a grant to Austin on November 20, 1827, to settle one hundred families on the east side of the Colorado above the San Antonio road. In 1828 the federal government granted to Austin the right to colonize the reserve tract between his colony and the coast, from the Lavaca to the San Jacinto rivers, and in accordance with this, on July 9, 1828, the state government granted him a contract to settle three hundred families in that region. This made the territory subject to colonization exclusively under Austin's direction extend from the tract on the Colorado north of the San Antonio road to the coast line between the Lavaca and San Jacinto rivers. The contract of Robert Leftwich and the Nashville company, which was among the first granted, was transferred to Sterling C. Robertson, manager of the company. It expired without any great number of families being settled, and, though extended, was subsequently revoked. This contract, which was for eight hundred families, was regranted to Austin and Samuel M. Williams on February 25, 1831.

As has been said, some of these empresarios never introduced a single family into Texas. Others made the contracts the basis of some very questionable practices, such as issuing land scrip against the land included in

the region they were authorized to colonize, and selling this scrip to citizens of the United States. The colonization law specifically prohibited citizens of other countries not resident in Mexico from holding titles to land under the law, and even if the holders of the scrip migrated to Texas it would not entitle them to a grant of land. Many innocent purchasers of such scrip were defrauded in this manner, and Austin had occasion more than once to accept in his colony immigrants who arrived in Texas with this worthless scrip, under the impression that it entitled them to a certain amount of land. Some of the empresarios, however, did seriously endeavor to fulfill their contracts, but their success was not very marked. DeWitt, who, like Austin, lived in his colony among his settlers, was the most successful, but even his success was only partial in character. Austin's colony was a going concern and within its limits civilized life was more nearly approximated than within those of any other. Moreover, Austin was the most successful from the first in obtaining desirable colonists, and in consequence the region under his direction became more thickly settled than any other section of Texas. In the course of time there was no inducement for an immigrant to choose any other colony than that of Austin, for it was evident to all that it was by far the most desirable from every standpoint. Austin obtained hundreds of families, therefore, where the others found it difficult to induce even a few to settle within their grants, and this process finally eliminated the others.

The contrast between Austin's colony and the others is strikingly illustrated in the naive recollections of

Noah Smithwick, already quoted, who first reached Texas in the summer of 1827. He landed on the coast, at the mouth of the Lavaca river, and traveled over much of Texas during the next two years.

"It was a dreary place for a lone stranger to land," writes Smithwick, telling of his arrival. "A few Mexicans came around, but they spoke no English and I understood no Spanish. At length two men, Fulcher and McHenry, who had squatted on land six or eight miles up the river, sighted the schooner and came down in a dugout. They took me in with them and I spent my first night in Texas in their cabin. My first meal on Texas soil was dried venison sopped in honey. After having spent some months in New Orleans, where everything of the known world was obtainable, it looked like rank starvation to me, but I was adaptive. The sea voyage had sharpened my appetite and I was possessed of a strong set of grinders, so I set to and ate a meal; but I was not anxious to trespass on their hospitality, so next morning I set out on foot for DeWitt's colony, ten miles further up the Lavaca. . . . Fulcher accompanied me up to the station. The beautiful rose color that tinged my vision of Texas through Robertson's long distance lens paled with each succeeding step. . . . The colonists (at DeWitt's station), consisting of a dozen families, were living—if such existence could be called living—huddled together for security against the Karankawas, who, though not openly hostile, were not friendly. The rude log cabin, windowless and floorless, has been so often described as the abode of the pioneer as to require no repetition here; suffice it to say that save as a partial protection against

rain and sun it was absolutely devoid of comfort. DeWitt had at first established his headquarters at Gonzales, and the colonists had located their land in that vicinity, but the Indians stole their horses and otherwise annoyed them so much, notwithstanding the soldiers, that they abandoned the colony and moved down on the Lavaca, where they were just simply staying."

"Newcomers were warmly welcomed," he continues, "and entertained with all the hospitality at the command of the colonists. Sleeping accommodations were limited to mosquito bars, a provision not to be despised, since they were absolutely indispensable to sleep. The bill of fare, though far from epicurean, was an improvement on dried venison and honey in that the venison was fresh and cooked, and Colonel DeWitt, my host, had bread, though some families were without. . . . The outlook was a gloomy one to me. Colonel DeWitt, having a colony to settle, was as enthusiastic in praise of the country as the most energetic real estate dealer of boom towns nowadays."

Smithwick next visited De Leon's settlement. "We struck out on foot and reached Victoria, or De Leon's town, as it was then called. There was but one white man in the place, and with him we stopped. . . . Martin de Leon had settled his grant with Mexicans, most of them being his peons and vaqueros. He had a large stock of both horses and cattle, and between the Comanches, who stole his horses, and the Kronks, as the Karankawas were called, who killed his cattle, he had a troublous time of it. Becoming exasperated at the constant depredations of the Kronks, he determined to take matters into his own hands. He organized his

retainers into an army and, mounting a four-pounder swivel gun on a jackass, set out to annihilate the tribe. He ran them to cover, brought his artillery to bear and touched it off, but he did not take the precaution to brace up the jackass, and the recoil turned him a flying somersault, landing him on top of the gun with his feet in the air, a position from which he was unable to extricate himself. The Mexicans got around him and tried to boost him, but the jackass had had enough of that kind of fun and philosophically declined to rise until released from his burden, so they had to dismount the jackass. By that time the Indians had disappeared and if any were killed they were taken off the field. . . . Señor de Leon was the very essence of hospitality, as, indeed, I found the Mexicans everywhere to be. He had his caballada driven in for us to choose from. The vaqueros rode in among them carajoing and swinging their lariats, the horses reared and snorted, and we concluded walking would be pleasant pastime compared to riding such steeds, so we continued our journey on foot."

Gonzales was the next point reached by Smithwick, after nine days' travel. "Gonzales," he says, "consisted of two blockhouses, and the inhabitants of two men, John W. Smith and —— Porter, the families having all gone to DeWitt's station."

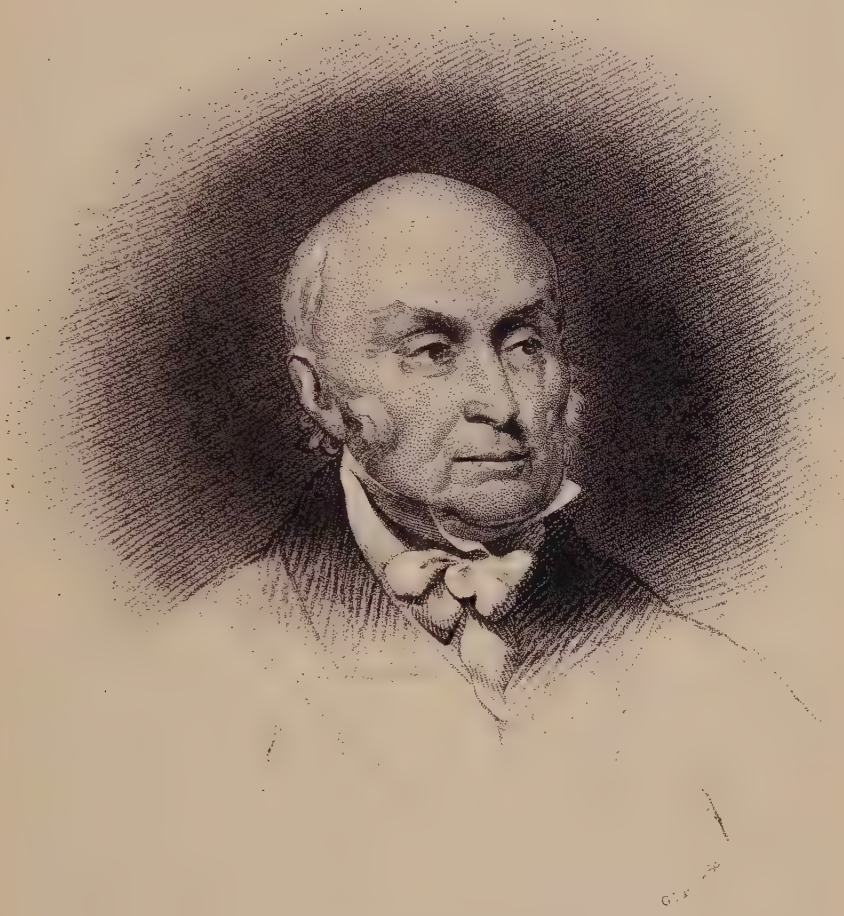
And then he tells of the first point he touched within the boundaries of Austin's grant. "We reached the Colorado at Burnam's station," he says, "a few miles below where La Grange now stands, then the highest settlement on the river. . . . Things looked more promising there than any place I had seen. The settlers

were doing some farming and all had milk cows, chickens, etc. Corn was in 'roasting ear' and the people were feasting. . . . Captain Jesse Burnam had a nice family He was anxious to have a school, and when he found that I had mastered the rudiments of the 'three r's' he offered me a situation as teacher, but I had no predilection for pedagogy."

Smithwick's reference to "milk cows, chickens, etc.," is significant of the progress made by Austin's colonists. By this time there was livestock in all sections of the colony. Some of the first group of colonists brought a few cows with them, notably the Kuykendalls, who also had a number of hogs. William Morton brought milk cows into the region which is now Fort Bend county, and Randal Jones returned to the United States in 1823, sold a negro slave and purchased sixty head of cattle with the proceeds. He drove these cattle, without losing a single one, from Louisiana to his place on the banks of the Brazos.

Continuing his account, Smithwick says: "Upon inquiry I learned there was a shop (a blacksmith shop) down at Judge Cummins's station, some miles below on the Colorado (still within Austin's colony), so I went down there. The judge had two daughters and there were the two Miss Beasons, all nice, agreeable girls, and altogether it was not a bad place to stop, so I went to work."

Soon after this Smithwick became ill, but when he recovered he was on his travels again. "The next settlement I struck," he says, "was Josiah Bell's, where Columbia now stands. There I learned that Johnny McNeal, out on the gulf prairie, was in need of a black-



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smith. There were quite a family of the McNeals. They had raised a crop of cotton and were building a gin. They had a shop and tools, and so I went out and in the intervals between relapses of the fever I made the gin irons. Iron was a scarce article, but we found an ample supply in the wreck of an old vessel that lay high and dry in a belt of timber at least five miles back from the gulf. The timbers were all rotted away; the knotted hearts of two pine trees that had once been masts alone remaining. There was nothing to give a clue as to its age or nationality. It had evidently been there many a long year, probably driven ashore by a tidal wave, or one of those fierce tornadoes which sometimes drive the water far out over the prairie."

This, of course, was in Austin's colony also. Indeed, the McNeals were not the first to build a cotton gin or to produce a crop of cotton. Jared Groce brought cotton seed with him when he migrated with his slaves in 1822, and in 1825 he erected the first cotton gin in Texas. Besides Groce's gin, there were at least two others in Austin's colony, one erected by James E. B. Austin, Stephen's brother, at the time Smithwick was building the gin for the McNeals.

Finally, Smithwick went to the town of San Felipe de Austin itself. "There seeming to be a good opening for my trade in San Felipe," he says, "I bought a set of tools from George Huff on the San Bernardo and set up business in the parent colony in the year 1828. In the absence of a more comprehensive view, a pen picture of the old town may not be uninteresting. The buildings, all being of unhewn logs with clapboard

roofs, presented few distinguishing features. Stephen F. Austin had established his headquarters something like half a mile back from the river on the west bank of a little creek—Palmito—that ran into the Brazos just above the main village. Just above Austin's house was the farm of Joshua Parker. Austin's house was a double log cabin with a wide 'passage' through the center, a porch with dirt floor on the front with windows opening upon it, and chimney at each end of the building. In this vicinity the Ingram brothers, Seth and Ira, had a store, with them being associated Hosea N. League, a lawyer by profession, who, with his wife, lived near by. . . . Seth Ingram, a surveyor, laid off the town of San Felipe. William Pettus, better known as 'Buck' Pettus, . . . also resided in a suburban villa in the 'west end.' Going on down to the town proper, which lay along the west bank of the Brazos, the first house on the left was my bachelor abode, and near it, on the same side, stood the 'village smithy' over which I presided. Then came the Peyton tavern, operated by Jonathan C. Peyton and wife; the house was the regulation double log cabin. The saloon and billiard hall of Cooper and Chieves, the only frame building in the place, was next below the Peytons. The first house on the right as you entered the town from above was Dinsmore's store, and next to it was the store of Walter C. White. The office of the 'Cotton Plant,' the first newspaper in the colonies (its name was The Texas Gazette, and it was founded in 1829), and near it the residence of the genial proprietor, Godwin B. Cotten, filled the space between White's store and the Whiteside hotel, which differed from its companion buildings

only in point of elevation, it being a story and a half in height, and at either end rose a huge stick and mud chimney. . . . The alcalde's office was in a large double log house standing back some distance from the main thoroughfare almost immediately in the rear of the Whiteside hotel, which building it much resembled."

There were twenty-five or thirty buildings in all in the town at this time, Smithwick says. "It must not be understood that these rows of buildings presented an unbroken or even regular line in front; every fellow built to suit himself, only taking care to give himself plenty of room, so that the town was strung along either side of the road something like half a mile."

Three stores, a blacksmith shop, two hotels, a newspaper and a saloon and billiard hall! Certainly civilization had arrived in the Texas wilderness! Such was San Felipe de Austin between 1827 and 1829, and the entire Austin colony, covering a territory which now comprises about twenty Texas counties, was developing proportionately. Austin introduced more colonists than all of the other empresarios taken together, and the region over which he had direction became the cradle of modern Texas.

CHAPTER X.

THE DREAM OF HENRY CLAY.

"Most of the good land from the Colorado to the Sabine has been granted by the State of (Coahuila and) Texas and is rapidly peopling with either grantees or squatters from the United States, a population they will find it difficult to govern and perhaps after a short period they may not be so averse to part with that portion of that territory (Texas) as they are at present."

Thus wrote Joel R. Poinsett, American minister at Mexico City, to Henry Clay, secretary of state, on July 25, 1825. The "they" referred to was the Mexican government, and the specific proposal with which the communication dealt was that of inducing Mexico to consent to a change of the boundary from the Sabine to a line somewhere between the Brazos and the Rio Grande. Poinsett expressed the opinion that the matter had better be delayed, saying that it would be important "to gain time if we wish to extend our territory beyond the boundary agreed upon by the treaty of 1819."

The project of extending the territory of the United States beyond the Sabine was the first fruit of a political alliance between John Quincy Adams and Henry Clay, formed immediately following the presidential election of 1824. In that election Andrew Jackson had received a plurality of the electoral votes, but a majority being necessary to elect, the question of naming the president was thrown into the house of representatives.

The electoral vote for president stood: Andrew Jackson, of Tennessee, ninety-nine; John Quincy Adams, of Massachusetts, eighty-four; William H. Crawford, of Georgia, forty-one, and Henry Clay, of Kentucky, thirty-seven. In spite of Jackson's plurality, the house elected Adams, and in forming his cabinet Adams named Clay as his secretary of state. Clay had been one of those who denounced as a surrender of American territory the treaty of 1819, which Adams, as Monroe's secretary of state, had negotiated. Adams himself had not been averse to including Texas within the boundaries of the United States, and had urged this in negotiating the treaty. Upon his election to the presidency under such untoward circumstances, it became important for him to mend his political fences and, having formed an alliance with Clay to this end, one of the first measures agreed upon between them was that of obtaining an extension of the territory of the United States in the Southwest.

Such a move seemed the proper one to make from a political standpoint, and would tend to gain the support of the South and West. The Missouri compromise had provided that slavery should not be permitted in new states carved from the territory west of the Mississippi and north of a line fixed at the latitude of 36° 30′. States from territory south of that line should be slave states. Practically all of the remaining territory in 1825, from which new states might be formed, was north of the Missouri compromise line, and the prospect was that the slaveholding states would gradually lose political power in national affairs through the multiplication of new states in that territory. Texas was

below the line and, if added to the public domain, would supply material for new slave states to offset the new free states created above the line. The acquisition of Texas, therefore, began to become an important matter in relation to domestic politics in the United States.

Adams, who subsequently became the most violent opponent of the annexation of Texas, was at this time not unwilling to acquire territory west of the Sabine—whether for reasons of political expediency or because he had not yet developed his rabid opposition to the extension of slavery, it is unnecessary to discuss here. With Clay, the acquisition was a pet idea, and the two came to an agreement that the effort should be made.

For a long time prior to the signing of the treaty of 1819, it had been a favorite theory of many in the Southwest that an independent Mexico would readily agree to transfer Texas to the United States, and all of the activities of American adventurers on Texas soil during the decade from 1810 to 1820 had been based on this assumption. Once let Mexico be free of Spain, they said, and Texas would come to the United States naturally. Well, Mexico was now free of Spain, and had adopted the federal republican form of government in imitation of that of the United States. The United States had recognized that government, and was now sending a duly accredited minister to the Mexican capital. Moreover, the United States, through President Monroe, had practically guaranteed the independence of Mexico. Surely it ought not to be difficult to revise the boundary line between the two countries, especially as Texas would never be of much use to Mexico in any event.

Accordingly, when Joel R. Poinsett was sent to the Mexican capital in the summer of 1825 he was instructed to seek to obtain treaties of commerce and boundaries between the two countries. He was to acknowledge, of course, that the treaty of 1819, entered into by the United States and Spain, was binding, but that if Mexico had no serious objections to a revision of the boundaries fixed in that treaty, he should suggest, as a starting point, that the line be fixed somewhere between the Brazos and the Rio Grande. The Red and Arkansas rivers and their tributary streams should be included in the territory sought, in order that the entire watershed of the Mississippi might be within the boundaries of the United States.

Poinsett, who had been in Mexico before, and who had performed diplomatic services for the American government in other Latin American countries during the revolutionary period, was apparently just the man to accomplish this delicate mission, but the event proved quite otherwise. He was indeed a polished gentleman, a thorough Spanish student and acquainted with Latin social niceties. But, like many Americans of his time, he was filled with the notion that the promotion of "republican principles" was a heaven-given mission, and he interfered in domestic politics in Mexico to such a degree as not only to destroy his usefulness, but also to promote distrust of the United States, which became a passion with Mexican leaders during the next decade. However, he was well received, and the relations between the two countries began on an amicable basis.

Poinsett presented his credentials on June 1, 1825,

and made an address on the occasion of the formal ceremony to a room "crowded to suffocation with senators, members of congress and respectable inhabitants of the city." He set forth that among the things he hoped to accomplish was the negotiation of treaties of commerce and boundaries. According to the British minister, who was present, the intimation that a treaty of boundaries was desirable "appeared by no means so palatable as the preceding part of his speech, if one might judge by the looks of the spectators, who are well aware of the difficulties with which the question of boundaries is likely to be attended." That this estimate of the Mexican attitude, written at the moment, was well founded is amply demonstrated by the fact that in less than sixty days Poinsett himself was writing Clay that it would be necessary to obtain a delay for the treaty of boundaries if the line of 1819 was to be changed. Let the immigration of Americans to Texas continue. The Mexicans would discover in time that they were troublesome citizens, and they might be glad to get rid of them. This was the new theory which Poinsett put forward at the very moment that the former theory was being proved false. That it also was a false theory was to be proved later, when another president of the United States decided to act upon it.

The whole policy of the United States with respect to Mexico at this time is seen now to have been prompted by an entire lack of comprehension of the racial characteristics of the people of Mexico. George Lockhart Rives, whose monumental work, *The United States and Mexico—1821-1848*, is the best account of the relations between the two countries during this

period, says: "The fact of course was that the over-emphasis and overconfidence with which the government of the United States had repeatedly asserted its claims to Texas had very naturally led Mexican officials to suppose that the American minister was desirous of reopening the old controversy. Nor could they reasonably have been expected, when that delusion was removed from their minds, to agree to surrender any part of their acknowledged national domain to a foreign government. Even absolute monarchs, as the experience of the United States with France and Spain had abundantly shown, were not always easy to deal with; and a government whose existence depended in any degree on popular opinion had never been known to part with territory, except as the result of unsuccessful war." There never was a chance from the beginning that any Mexican government would cede Texas, or any part of it, to the United States, no matter what the consideration.

But Clay had no appreciation of this circumstance, and when the Mexicans pursued dilatory tactics, which Poinsett thought it wise to fall in with, in order to gain time for the growth of American settlements in Texas, the American secretary of state instructed his representative at the Mexican capital to offer one million dollars for all of Texas to the Rio Grande. Poinsett regarded this offer as so unacceptable that he never presented it. The Mexicans, on their part, became so suspicious of the intentions of the United States that, when a treaty of commerce was submitted to the chamber of deputies for ratification, that body refused to consider it until a clause should be inserted specifically

recognizing the boundaries fixed in the treaty of 1819. This was done, but delays in ratification of this treaty left the whole matter still open when Adams went out of office in 1829.

Meantime, however, Poinsett had made himself so obnoxious to certain political elements in Mexico as to occasion a formal demand in party declarations for his expulsion from the country. Without authority from the American government he had taken active part in the internal politics of Mexico. It happened that following the overthrow of Iturbide, those who still favored a monarchy—men of wealth and of leadership in professional and business circles—were found to be among the leading members of the Masonic lodges. Masonry had been introduced into Mexico by way of Spain and France during the previous twenty years, the lodges being of the Scottish rite. Finding themselves thus thrown together in an existing organization, the opponents of republicanism soon began to debase the lodges into political bodies for the furtherance of their governmental ideas. This situation was soon recognized by the republicans and the need of a counter-organization of similar character began to be felt. It was at this point that Poinsett injected himself. He proposed that lodges of the York rite be organized and devoted to the furtherance of republican principles. The idea was taken up with enthusiasm, and Poinsett took an active part in launching the movement. Soon York rite lodges were being formed in all parts of the republic, and before long the country was divided into two political parties, designated by the names of the two branches of Masonry—the Escoceses and the Yor-

kinos. It was generally known, of course, that the American minister was concerned with the launching of the Yorkino movement, and that many Mexican leaders should draw the inference that the American government itself was interfering in the internal affairs of the country was only natural. The net effect of Poinsett's activities was to increase suspicion of the intentions of the United States among the Mexicans. It was clear that the United States coveted Texas, and the delay in settling the question of boundaries, though Mexico was chiefly responsible for it, served to keep alive the fear that the territory between the Rio Grande and the Sabine, or a good part of it, was in danger.

Poinsett himself gave a description of this feeling, so far as it involved suspicion of the United States, in a dispatch to President Adams defending his course. "They regard the United States," he wrote, "with distrust and the most unfounded jealousy—a feeling which, I am sorry to say, still exists, and which, during the present administration, can not be changed. It is in vain that I represent the disinterested and generous conduct of the United States towards these countries and assure them that so far from our regarding their property with envy (as they, with unequalled vanity, suppose) we are most desirous that the Mexican states should augment in wealth and in power, and that they may become more profitable customers and more efficient allies. The government has been taught to believe that, because the United States and Mexico border upon each other, they are destined to be enemies. . . . The most bitter hatred of the United States existed long before my arrival in this country; so much so that two of the

ministers of state had declared in secret sessions of congress that Mexico ought to regard the United States as her natural enemies."

In justice to the Mexicans it ought to be said that this hatred of the United States had grown up during the period of armed invasions of the province of Texas by American adventurers. It was a feeling that the Mexican territory bordering on the United States was not safe, and the treaty of 1819 supplied a basis for the building up of a new confidence in the United States among the Mexicans. Stephen Austin had begun to build on that basis, and had so far succeeded as to bring about the opening of Texas to colonization by Anglo-Americans. But when the first minister sent by the United States to the new republic began his work by suggesting a revision of the boundary fixed in the treaty of 1819, what were Mexicans to think? That they should be suspicious and envious of the United States was not unnatural. It is the usual feeling of a weaker race living next to a stronger one of different traditions and characteristics. The Mexican leaders had seen the United States more than double its area during the previous twenty-five years, and every inch of the new territory annexed had been Spanish in 1800. The United States now wanted part of Texas, and the Mexicans were unwilling to give up territory acknowledged under the laws of nations to be part of their national domain. That this was a dog-in-the-manger attitude, so far as Texas was concerned, is clear to everybody today, for the Mexicans could never succeed in rescuing Texas from its wilderness state, and Clay's instructions to Poinsett were founded on the facts of the situation

when they pointed out that the ceding of part of Texas to the United States would be the most certain way to cement a lasting friendship between the two countries. But those instructions were not based upon a comprehension of Mexican character. To the Mexicans the proposal appeared very much like saying, "You give me what I want and I'll let you alone," and the Mexican make-up was such that this suggestion stirred in them the deepest resentment. If there was justice in Poinsett's complaint that the Mexicans did not understand the Americans, it can be said with equal justice that the American government did not understand the Mexicans.

It is not improbable that the British minister at Mexico City, Henry George Ward, did his share toward stimulating among Mexican leaders this feeling against the United States. Indeed, there is reason to believe that he began to implant among them the idea that the whole colonization policy in Texas was a mistake and dangerous to the safety of the territory of the republic. His dispatches to his home government disclose his attitude and, it being his task to defeat the American desire for more territory, it is practically certain he expressed such views also to his friends among the public men in Mexico. On September 6, 1825, he wrote Canning, the British foreign minister, as follows:

"On the most moderate computation, six hundred North American families are already established in Texas; their numbers are increasing daily, and though they nominally recognize the authority of the Mexican government, a very little time will enable them to set at defiance any attempt to enforce it."

Ward described the settlers as "backwoodsmen—a

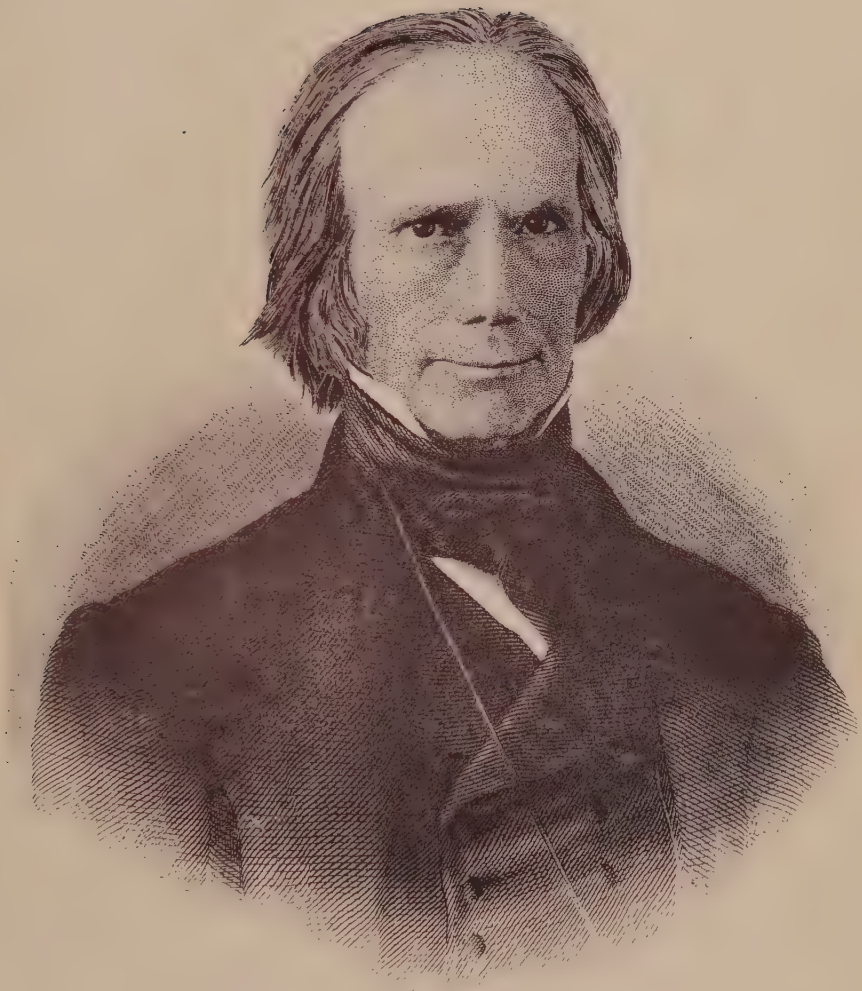
bold and hardy race, but likely to prove bad subjects, and most inconvenient neighbors." "In the event of a rupture between this country and the United States," he continued, "their feelings and earlier connections will naturally lead them to side with the latter; and in time of peace their lawless habits, and dislike of all restraints, will, as naturally, induce them to take advantage of their position, which is admirably adapted for a great smuggling trade, and to resist all attempts to repress it. In short, Mexico, though she may gain in point of numbers, will not, certainly acquire any real strength, by such an addition to her population. . . . Were but one hundredth part of the attention paid to practical encroachment, which will be bestowed upon anything like a verbal cession, Mexico would have little to fear."

Rives, from whose work this quotation is taken, remarks that it was hardly fair to speak of the "lawless habits and dislike of all restraints" of the settlers. "They were, in fact, always ready to conform to laws which they understood, but that had been their custom and the custom of their fathers for many generations. They would never submit to the domination of a race they regarded as inferior. They despised Mexicans as they despised negroes and Indians, and they calmly ignored Mexican laws. They were industrious and brave, and their morality, on the whole, stood high. The political conditions of their existence were already difficult, and were certain to become more and more so, as the disproportion increased between the numbers and wealth of the colonists on the one hand, and of the Mexicans on the other. On the side of the Mexicans was legal authority, backed by the distant and deeply distracted gov-

ernment in the City of Mexico; on the side of the newcomers were industry, frugality, intelligence, courage, and a great preponderance of numbers within the territory itself. A struggle was inevitable."

Whether in different circumstances a struggle would have been inevitable, it would be futile, perhaps, to speculate now. Of one thing there should be no mistake, however, and that is that Stephen Austin's good faith with Mexico is above question. His whole course was based upon the assumption that the treaty of 1819 settled the boundary between Mexico and the United States. He believed it was possible for Americans to be settled in Mexican territory without endangering Mexican sovereignty over that territory. He came, in time, to recognize the difficulties of the experiment, and the almost insurmountable obstacles placed in the way of its success by the radical and fundamental differences of race and character of the Americans and the Mexicans. Indeed, he soon recognized these to be the chief elements of his own problem in performing his manifold duties as empresario, chief judge, head of the militia and general go-between. "I had an ignorant, whimsical, selfish and suspicious set of rulers over me to keep good-natured," he wrote in 1829, "a perplexed, confused colonization law to execute, and an unruly set of North American frontier republicans to control, who felt that they were sovereigns, for they knew they were beyond the arm of the government, or of the law, unless it pleased them to be controlled."

Austin believed, however, that in spite of these differences, it would be possible to "redeem Texas by means of the plough" and make the fortunes of his colonists,



HENRY CLAY.

while at the same time making his own. He was not concerned with any of the plans for the expansion of American territory into Texas. He did not, as some have thought, look forward to "the inevitable time" when Texas would be part of the United States. On the contrary, he was in thought and deed a loyal citizen of Mexico, and it is upon this fact more than any other that the legality of the separation of Texas from Mexico is based. What would be the future destiny of Texas, time would decide. His one supreme aim was to have Texas populated with Anglo-Americans, to accomplish this in a legal and orderly manner, and to trust to that population to take care of itself in whatever vicissitudes the future might bring. What might have happened in different circumstances it would be idle to speculate but the development in American politics of a situation which made the acquisition of Texas desirable to a strong faction, and the growing distrust of the United States among Mexican leaders were elements in the problem of the future of his colonists in Texas which Austin had not foreseen. Had these elements been absent, had nobody in the United States been actuated by a desire to acquire Texas and had the relations between the two countries been those of mutual confidence and friendship, it might have been possible for an Anglo-American Texas to have remained part of the Mexican republic. Indeed, the time might have come when it would have ruled all Mexico in industry, in commerce and in government. But anything of this sort was as far from Austin's mind as any thought of detaching Texas from Mexico. He looked forward to the time when Texas would "possess the necessary elements" to

become a separate state from Coahuila and, with a maximum of self-government secure for its Anglo-American citizens, its future would be safe.

What should be noted here is that it was the confidence inspired by Austin, the wide ramifications of the personal relations he established with Mexican leaders and his evident good faith with respect to Mexico, coupled with the treaty of 1819 definitely fixing the boundaries between the United States and Mexico, that determined the colonization policy which opened Texas to Anglo-Americans. But just as that policy was getting under way, and Anglo-Americans were being established in Texas, other influences came into play. It shall be seen presently that events which took place in Texas which ought to have had the effect of proving to Mexican leaders the wisdom of the colonization policy had quite the opposite effect, due to those other influences. The simple elements of the situation when Austin's colony was established consisted of the maintenance of good faith between the settlers and the Mexican government. But from 1825 onward the growing distrust among Mexicans with respect to the intentions of the American government and the increasing importance of the question of the acquisition of Texas as a political factor in the United States entered to greater and ever greater degree as elements in the situation.

The true tradition of Texas, however, is through Austin, down to the very moment of the achievement of independence. Without Austin there would have been no colonization of Texas worth the name. Indeed, it is doubtful if there would have been such a colonization policy as Mexico adopted. And, without the coloniza-

tion of Texas, the other influences would hardly have brought about the legal detachment of Texas from Mexico short of actual conquest. Henry Clay's dream of the peaceful purchase of Texas was a chimera. In spite of the voluminous diplomatic correspondence on the question, there is to be found today not a shred of evidence warranting the belief that any Mexican government ever would have sold Texas. The American efforts to bring about such a sale served chiefly to complicate Austin's problems by affecting the attitude of Mexican leaders toward the Anglo-American settlers. An increasing number of Mexicans began to regard the colonization policy as dangerous and, as will be seen in subsequent chapters, this feeling caused them to regard as part of an American scheme to seize Texas an event which in reality was decisive proof of the good faith of the Anglo-American settlers. That event was the so-called Fredonian war.

CHAPTER XI.

ENTER HAYDEN EDWARDS.

In January, 1826, Austin made a trip to the coast for the purpose of exploring Galveston island with a view to finding a suitable site for a port, which he had petitioned the government to establish. While on this expedition he visited the settlement on the San Jacinto, which was part of his colony, about thirty families of the "old three hundred" having located in that vicinity. Austin found the settlers there in a state of general excitement and very much disturbed over the question of the validity of the titles to their lands. Hayden Edwards, one of the empresarios, they said, had threatened to put them off their lands unless they paid him the price which he had fixed for land within the limits of his grant. They held titles from Austin, which had been issued by Baron de Bastrop not only before the state colonization law had been passed, but even before the legislature which passed it had been organized. They were discussing the project of sending a petition to the political chief at San Antonio, praying for protection in their rights against Edwards. Upon Austin's arrival in their midst they immediately besieged him with inquiries as to the right course to adopt in the matter.

Austin told the colonists they had nothing to fear from Edwards. It was not necessary, he assured them, to send any petition to San Antonio, for they had good and valid titles to their lands, and he, both as empresario and

as a civil officer of Mexico, was charged with the duty of protecting them in their rights. He advised them to pay no attention to Edwards. Threats could not affect their titles, and so far only threats had been made. But, if Edwards should go further and should attempt to take any steps to evict them from their lands, it would be time enough to act then. Austin told the settlers in such event they should notify him immediately and he would do whatever was necessary to protect them. But he cautioned them against appealing to the Mexican authorities, saying that such a course would be highly improper.

It happened that the government had directed that elections for militia officers should be held in all the districts of the colony about this time, and Austin had fixed the date on March 4. In accordance with this order, he instructed the settlers on the San Jacinto to gather on that day for the election. Then, after further reassuring them in the matter of their titles, Austin returned to San Felipe.

After his arrival home, Austin received the following letter from Hayden Edwards:

"Mr. Munson's, Trinity, Feb. 28, 1826.

"To Colonel Stephen F. Austin, San Felipe de Austin, Brazos.

"Colonel Austin:—Having heard of your expedition to the island, I made every exertion in my power to join you there, but failed in procuring a conveyance until I heard of your return. I then went to the bay by land; a very unpleasant trip owing to the weather and rottenness of the prairies; there again heard you were to leave

Mr. Scott's, on the day of my arrival there, for home. Returning to the Trinity, I heard again that you were to attend a meeting on the San Jacinto on the 4th of March, ordered by yourself, in order to present a memorial against me to the government for asking my colonists more than the government tax on the lands, propagated here in my absence by Mr. Rankin. This I placed no confidence in, not believing that Colonel Austin could be capable of using any measures to the injury of the other empresarios.

"As to my conditions, I feel myself perfectly justified by that article of the securing contracts made between the settlers and the empresarios, and I feel myself more than doubly justified in asking what I do, for the good of the colony and of the government in general, as you must admit as a candid man that one colonist that is willing and able to pay for the lands as offered is worth fifty of those indolent idlers who barely live to exist, and have no ambition or enterprise further. If you would do me the pleasure of coming to see me, I will show you that my families are already engaged at my prices, and are unwilling that I should permit others to settle upon less terms, being satisfied of the disadvantages arising to the country from such a course. The honest and industrious already in the country are of the same opinion, and have complied with the terms already.

"I am constantly told by those worthless idlers that Judge Austin gives lands at congress prices, and says we have no right to ask or receive more. I have never paid any attention to their assertions, believing them to be fabrications, only replying to them to get lands of you.

I have no doubt but there are hundreds of lies told you, perhaps in the same way, in order, as I have understood they have said, if they could get the empresarios at variance they would be able to reap a benefit. I hope you will give me the earliest information of your discoveries to our advantage in your trip to the island, and should you be disturbed by any part of my conduct, that you will be candid enough to state your objections to me before taking any measures unfriendly. I expect to meet Colonel Leftwich on my return to Nacogdoches, and should feel very happy if we could all have a meeting to promote the best interests of the country.

"I am respectfully your friend,

"HAYDEN EDWARDS."

Upon receiving this communication, and noting the invitation to be candid should he be disturbed by any part of Edwards's conduct, Austin wrote a reply, which throws so much light on the situation leading up to the trouble between Edwards and the government that it is reproduced here in full. Austin's reply was as follows:

"To Colonel Hayden Edwards, Nacogdoches.

"Dear Sir:—I have just received yours of the 28th of February, and hasten to note its contents. In regard to Galveston, I found a good entrance of twelve feet and a safe harbor and good anchorage in seven and eight fathoms, opposite the old town. The harbor is a safe one, but the site is inconvenient for a town, owing to its low situation and scarcity of wood and fresh water.

"In regard to the report you heard, that I had ordered a meeting of the inhabitants of the San Jacinto on the 4th of March to present a memorial to the government

against you, all I have to say is that the report is false. In the month of January I ordered elections all over the colony on the 4th of March for militia officers, in conformity with orders from the government, and on my arrival on the San Jacinto I found the people there highly excited against you, in consequence of threats you had made to drive them off the land, for which they had received titles in this colony, unless they would pay you your price; and they informed me that they intended to petition the government. I very plainly told them that Colonel Edwards had nothing to do with them; he had the settlement of the vacant lands remaining on the east side of the San Jacinto, but the titles already issued on that side were issued under an express order of the government and provincial deputation of Texas, and were as valid as any others; that it was unnecessary and improper for them to draw up any petition on the subject to the government at this time, because you had as yet proceeded no further than threats, but if you should attempt to carry those threats into execution by actually disturbing them in their possessions, I requested them to give me immediate information thereof, for it was my duty, both as a civil officer and as empresario, to protect their rights, and I should do so.

"This is all that passed on the subject, except to one man, who pointedly asked me whether you had a roulette-table in Mexico or not; truth compelled me to say that you had. I will here, with perfect candor and in friendship, remark that your observations generally are in the highest degree imprudent and improper, and such as are calculated to ruin yourself and materially to injure all the American settlements; for example, you

have publicly stated that you could have procured a grant for all the land on the east side of the Brazos, and taken it from the settlers, as you intended to do on the east side of the San Jacinto; that Saucedo was not governor or political chief of Texas and had no right to act, and that his orders were illegal; that the Spaniards around Nacogdoches were a set of 'Washenangos,' and that you would put them all over the Sabine; that you had the absolute right of disposing of the land within your colony as you pleased, and the government would not make any grants, nor in any way interfere with you for six years; that you despised the class of people who were now settlers in the country, and only wanted rich men, and would drive away all the poor devils who had been the first to settle, unless they paid you your price. And, finally, it has been very currently reported that you had stated many other things which, if repeated to the government, would be highly offensive to them, but which I do not mention here because I do not believe you ever stated them.

"One moment's sober reflection will show you the imprudence and impropriety of such declarations as those above mentioned.

"The only answer I have made when told that Colonel Edwards was ridiculing deeds issued in this colony, and threatening to drive off the settlers on the San Jacinto, and boasting he could have had the power of driving off those on the Brazos, was that I was accountable to the government for my acts, and not to Colonel Edwards, and that such declarations displayed a very great want of common sense as well as candor on his part, for they were calculated to injure himself by weakening

the confidence of the people in the acts of agents of the government generally, and it was a want of candor to threaten the San Jacinto settlers behind my back, and say nothing about them to me in person.

"The truth is, you do not understand the nature of the authority with which you are vested by the government, and it is my candid opinion that a continuance of the imprudent course you have commenced will totally ruin you, and materially injure all the new settlements.

"These remarks are made in perfect friendship, although with blunt candor, and as such I hope will be received. I have taken no steps to injure you in any way, nor will I, unless you interfere with the vested rights of the settlers of this colony. I have made no representations, nor ever had an idea of making any.

"I have not said, even to my brother, as much about you as I have now stated in this letter. If you will ask Mr. Dee to show you a letter I wrote him some time since, in answer to one of his letters requesting a copy of the colonization laws, you will see that, instead of fomenting discontent against you, I said all I could to promote harmony. It has been a misfortune with all the empresarios, myself among the rest, that we have to be governed by a law that is rather difficult to understand, and in many particulars susceptible to various constructions; this is of itself a frightful source of difficulty, so much so, that the utmost caution and prudence may not in every instance be able to avoid it. I have learned caution from past experience, and have in consequence written to the government that if they would send me a fee-bill, stating in detail and in full all the expenses that were to be paid by the settlers on their

lands, and also send a commissioner here to remain and attend to his part of the duty, that I was ready to attend to my part as empresario; but until high definite instructions were received by me, and a commissioner appointed, I should decline having anything more to do with the settlement of a new colony, for I did not feel myself authorized, under the new law, to make any survey without the approbation of the commissioner, and I should have nothing to say about the price of land at all—the government must fix it; they must give positive instructions as to every particular, and I was ready to obey them.

"You may, perhaps, think that I am too blunt and candid in my remarks, but there is one thing you must believe, or else do me an injustice, my candor proceeds from friendship and not from any desire to censure or to wound your feelings, and I advise you to be more prudent in your remarks and observations generally. You have an extremely difficult and laborious task to perform; you will be watched with a jealous eye by every one, and the most innocent expression will be misunderstood or wilfully perverted, and nothing will injure you more than direct collisions with the old Spanish settlers in your colony, and I would advise the utmost prudence with them in particular.

"I wish you to understand distinctly that there is no excitement, no irritation nor any unfriendly feeling of any kind in me against you; that the plain language of this letter proceeds from friendship and a sincere desire to see you prosper in the arduous undertaking of settling a new colony, and that these remarks are only made to yourself, and not to any other person.

I have myself felt the want of blunt and candid advice; it is, however, a species of counsel that is seldom well received or duly appreciated, for we generally have too much self-love or self-confidence to suffer deliberate judgment to decide upon our own acts; at least I will say for myself, that I fear such has sometimes been the case with me.

"Stephen F. Austin."

The fact that this letter was sent to Edwards himself and "not to any other person," and the further fact that no man was better qualified than Austin to judge the situation and none more directly interested in keeping down friction, makes it a valuable guide in the attempt to reach correct conclusions with respect to the whole affair.

Austin certainly spoke the truth when he said that Edwards had "an extremely difficult and laborious task to perform." The Edwards contract called for the settlement of eight hundred families in the eastern part of Texas, including the town of Nacogdoches. This was not virgin territory like that which Austin had settled along the Colorado and the Brazos. On the contrary, it was the region of the earliest Spanish settlements in Texas and there were titles to land within its boundaries that dated back nearly a century. Nacogdoches itself, though it had only about a hundred inhabitants in 1825, when the grant was made, at one time had been a town of more than a thousand people, and the ranches and farms of Gil Ybarbo's companions had covered a good part of the eastern section of Texas. Descendants of these people are to be found in that sec-

tion of Texas to this very day, and there probably was never a time since the first settlement of the region when some of them were not there, in spite of orders to move, revolutions, Anglo-American invasions and Indian raids. There was a considerable population, relatively speaking, in that section when Magee invaded Texas in 1811, and many of these Mexicans joined him in defense of the "republican" cause. When Arredondo destroyed the invading army in 1813, he also made a clean sweep of East Texas and drove these settlers across the Sabine onto the neutral ground. Some of them joined Long's expedition in 1819 and attempted to return in this way, but they were again driven out. When Arredondo granted Moses Austin's petition for the settlement of Anglo-Americans in Texas, however, he also declared a general amnesty with respect to the former inhabitants of East Texas, and shortly after that the independence of Mexico had been achieved. During the four years between 1821 and 1825, therefore, these people had been returning to the region and seeking out their old homes. When Edwards was granted the right to introduce colonists into the region he was required, under the terms of his contract, to respect all existing titles to land, and this applied especially to the Mexicans, many of whom had been born in the territory within the boundaries of his grant.

But these Mexican settlers were not the only inhabitants of the region. The population was made up of other elements as well. There were Anglo-Americans, for example, like James Gaines and Samuel Davenport, who had been there, off and on, for years. Gaines had established a ferry over the Sabine at a very early date,

while the neutral ground was still in existence, probably for the benefit of the smuggling trade which had been carried on along the frontier even before the days of Gil Ybarbo. In 1811 he had joined Magee as one of his captains, and he was among those who washed their hands of the expedition and returned to the United States after the massacre of Salcedo and his staff at San Antonio. He had returned to Texas and was living at Nacogdoches when the Edwards grant was made. Davenport had moved into Texas even before the Louisiana Purchase, had become a Spanish subject and had been a leading citizen of Nacogdoches in the days of its glory. He had a large ranch near the town, and in some respects was the successor of Gil Ybarbo, both commercially and socially. It is not improbable that he had participated in the smuggling trade. Davenport had also joined Magee, acting as quartermaster of the expedition, and had been driven out when the movement collapsed. He came back with Long in 1819, and was a member of the provisional government of the ephemeral "republic." He was ejected again with Long, but after the independence of Mexico he returned to Nacogdoches and had been living there for some time when the Edwards contract was granted.

There were other Americans whose history and status were similar to those of Gaines and Davenport. In addition to these there were "squatters," daring pioneers who had crossed the Sabine, cleared a tract of land and built a cabin, before the advent of the Austins or the fixing of the boundary in the treaty of 1819. Some of these had come with the idea that the boundary would be fixed farther west and they proposed to be on the

ground first. When the treaty left them on Mexican soil, they elected to remain, some of them, like John Cartwright, contending to the end that the treaty was a surrender of American territory and bound to be revised sooner or later. These people had no written title-deeds to their lands, though in the practice of the time some of them would be regarded as having valid claim to ownership.

This last element had been augmented by the arrival of immigrants destined for Austin's colony during the period Austin was in Mexico City. Learning of the conditions existing along the Brazos and the Colorado, some of these settled on Ayish bayou, between Nacogdoches and the Sabine, and others had ventured further west, but stopped at the Trinity. They had no valid titles to their lands and were just staying on until the passage of the colonization law would determine the method to be followed to obtain titles. Now the Edwards contract had placed all of them within the boundaries of his grant.

A few of Austin's colonists, those on the San Jacinto, were also within the boundaries set forth in Edwards' contract, but they had titles to their land, which, as has been seen, were issued by Baron de Bastrop, and under the specific terms of the contract Edwards was bound to respect these titles.

And finally there was an element which had infested this region ever since the establishment of the neutral ground in 1806, the so-called "border ruffians" and other desperate characters, fugitives from justice, gamblers and sharpers and idlers among the younger generation of the Mexicans. A traveler with any amount of

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money on his person would be likely to disappear in the territory between the Sabine and Nacogdoches in those days, and the true explanation of his disappearance would generally be that he had been waylaid, robbed and murdered by some of these outlaws. If he escaped this fate, he would be fleeced by gambling sharps at Nacogdoches if he were not extraordinarily careful, or he might have counterfeit money passed onto him in exchange for his genuine coin. For Nacogdoches was "a gambler's heaven" and counterfeiting was openly practiced there even at a much later date.

To complicate matters, Nacogdoches was the seat of an alcalde's district, which was not coextensive with the limits of Edwards' grant. The alcalde's district extended east to the Sabine, but the eastern boundary of Edwards's grant was twenty leagues from the Sabine, there being a reserved tract between his line and the border, which, under the general colonization law, the state was prohibited from opening to settlement by foreigners. Then there was part of Edwards's grant that was outside the alcalde's district.

That the government of such a district was not likely to be free from corruption, especially in a Latin jurisdiction, can be readily appreciated, and when it is considered that the opportunities for graft were very numerous and that Nacogdoches was so remote from any other authority in the state or the republic, it will be seen that with such a constituency it would have been a miracle if there was anything approaching "clean government." James Gaines seems to have organized a band of "regulators" among the better element for the purpose of dealing with the "border ruffians" and others of their

ilk, and seems to have done something toward making the region safer against their operations and earned the thanks of the government at San Antonio. But, in the very nature of things, there could be no real "law and order" amid such conditions as existed in the district.

There is evidence that the authorities themselves reaped some of the benefit of the dishonest traffic of the town. Moreover, now that a republic had been established and lands were likely to be valuable, certain persons at Nacogdoches had begun to get hold of old titles where the owners had not returned, and in the absence of both titles and owners to provide forged deeds and bogus owners in their stead. This had been started, it seems, before the Edwards grant was made, and even before the colonization law was passed. The situation offered an unusually fine opportunity for a scheme of this kind, and if it had not been molested the schemers might have succeeded in getting hold of most of the good land in the region.

The granting of the Edwards contract was a complication the schemers had not anticipated, and from the very first Edwards was regarded as an intruder. This was true with respect to many of the most influential men in the district, even though they were not concerned with the land-grabbing schemes. Men who had been in the country for years could not be expected to regard this newcomer with a friendly eye, and Edwards was not the kind of a man to win them over to his side. He was among enemies, therefore, from the start. The task before him was indeed "extremely difficult and laborious." To have performed it successfully would have required rare qualities, not only of courage and

determination, but of patience, discrimination and almost infinite tact. Edwards was not lacking in courage and determination, but of the other qualities he seems to have been totally bereft. Besides, he seems to have had a very erroneous and exaggerated conception of his powers under his contract. He was simply the head of the militia, until some other arrangement could be made, but he was endowed with none of the civil powers possessed by Austin, who had received his first grant from the federal government, and not, like Edwards, under the state colonization law. The jurisdiction of the alcalde at Nacogdoches, as has been said, extended over a good portion of Edwards's grant, and included among its constituents many who were outside of his grant on the twenty-league reserve. This was the local government, and Edwards's relation to it, in law and in fact, was totally different from Austin's relation to the alcalde's districts within his colony. Austin was the chief judge of his colony to whom appeals from the alcalde's courts were made; Edwards was subject to the alcalde's jurisdiction, and possessed no authority in respect to it. In the most ideal circumstances such an arrangement would be likely to make trouble.

But the circumstances were not ideal, and from the very first Edwards got into trouble. He got into trouble at the outset with the acting alcalde of Nacogdoches, Luis Procela, and lodged complaints against him with the political chief at San Antonio. He lodged complaints also against one José Antonio Sepulveda, a Mexican of great political influence in the town. He was pretty severe in his description of these two Mexicans, denouncing the acting alcalde as a fugitive from

justice and wife-deserter, and declaring him to be too ignorant and incompetent to fulfill the duties of his office, and charging Sepulveda with forgery of land titles and other dishonest practices. He was not very discreet in his language and took occasion to remark that such a situation as existed in Nacogdoches could not exist in the United States. That such a communication did not favorably impress the political chief, who could not escape his racial instincts in judging it, can be appreciated by anyone acquainted to any degree with Mexican character. So the net result of his protest was to prejudice the political chief against him.

It was not only with the authorities that Edwards clashed, however. He clashed with the old Mexican settlers, with the "squatters," and even with Austin's colonists within the limits of his grant. His letter to Austin gives an idea of the general attitude he assumed. Edwards, no doubt, acted in the honest belief that he was doing only that which he had a right to do, but it is clear today that he misinterpreted his powers, first of all, in believing that he had absolute jurisdiction over all the land within the limits set forth in his grant, that all persons on lands must show valid titles, or arrange with him on his terms to obtain valid titles. Those who refused to do this must get off the land, and he even believed he had power to eject such persons from their lands himself. Moreover, he believed, and seems to have boasted of it, that the government would not molest him in the exercise of these powers for six years. The truth was that Edwards had neither the power to pass on the validity of titles nor to put settlers off their lands. It was the function of the government alone to judge the

validity of titles, and whether a settler should be evicted from the land he occupied was also for the government alone to say. Edwards's contract was to settle the unoccupied lands, but to respect titles already in existence. If anybody was occupying land within the limits of his grant to which he held no valid title, Edwards's remedy was to direct the government's attention to the case. But he interpreted the terms of his contract as meaning that he should be the judge as to the validity of titles.

Acting on this belief in good faith, Edwards issued public notice to all the inhabitants holding titles to land to bring them to him on a certain date to be passed upon. It was in carrying out this operation that Edwards discovered indications that somebody was forging land titles. Having discovered evidences of fraud in one case, it was not difficult for a man of his temperament to see fraud where none existed. In any event he questioned some of the titles of the old Mexican settlers, which the authorities said were valid. When this was reported to the political chief at San Antonio, whose sympathies were readily enlisted in favor of the Mexicans in a controversy with a "foreigner," he notified Edwards that his action in "demanding of the old inhabitants the titles of the lands which they possess" was unwarranted and that charges would be made against him on this ground, and on the further ground that he had published himself as military chief of the district. These charges, he was informed, would be filed "when the government shall so order."

In the face of this, Edwards continued to supply causes for complaint against him. He had fixed a fee which settlers would be required to pay him, in addition

to the fees to be paid the government, and he interpreted his contract as giving him the right to assess this charge against all persons within the limits of his grant who had no titles to their lands. Indeed, he even contended he had a right to collect such a fee from the colonists on the San Jacinto who possessed titles they had received from Austin. When some of the "squatters" learned they were expected to pay Edwards such a fee, besides those to be paid the government, in order to obtain title-deeds to their lands, they objected strenuously. They contended that whatever might be an empresario's right to charge extra fees from colonists he had introduced into the country himself, and who had voluntarily contracted to pay them, he had no right to collect such fees from men who had been in the country long before his contract was granted. Those on Ayish bayou and on the Trinity, who had come to Texas with the intention of joining Austin's colony, had the case of what had happened with respect to the "old three hundred" before them as an example. Austin had abandoned his claim to the twelve and a half cents an acre his settlers had agreed to pay. He had given titles to them at "congress prices." Some of those on Ayish bayou and on the Trinity, therefore, asked why they should be required to pay Edwards anything, when he had had nothing to do with their coming to Texas. Why couldn't they get land at "congress prices" like the settlers in Austin's colony?

Edwards, on his part, contended that all must pay. In his letter to Austin he cited the clause of the colonization law guaranteeing private contracts between the empresarios and their settlers as justification. But it is clear he misunderstood its provisions. That clause

provided for the guarantee of "the contracts which the empresarios make with families they bring at their own expense, provided they are not contrary to the laws." None of the settlers already in the territory within Edwards's grant had been brought in at his expense, and none of them had made any contracts with him. The settlers on the San Jacinto already had titles to their lands, and those on Ayish bayou and the Trinity had come into the country before the colonization law had been passed. Indeed, there were a few within the limits of the Edwards grant who had come to the country even before Austin.

There was confusion throughout the territory, therefore, and to make matters worse for Edwards he seems to have done a lot of loose talking. Austin's letter gives an idea of the general trend of this talk, and Austin's advice to him on this point was the best he could have received, had he only appreciated the sincerity in which it was given. "You will be watched with a jealous eye by everyone," Austin wrote, "and the most innocent expression will be misunderstood or wilfully perverted." That is precisely what happened, and before long the political chief at San Antonio was being deluged with complaints against Edwards. When the "squatters" and the old Mexican settlers complained they could not be restrained in the manner that Austin had restrained the settlers on the San Jacinto. On the contrary, they were encouraged by the authorities at Nacogdoches to make complaints, and these were supplemented by official complaints by the local authorities themselves. They gave free vent to their resentment against Edwards, and informed Saucedo that the empresario was attempting

to extort money from them, that he was guilty of illegal acts, and that he had made declarations uncomplimentary to the government. It is possible that "innocent expressions" were misunderstood and wilfully perverted, but Edwards unquestionably supplied his enemies with plenty of material for complaints.

Edwards's defense was that his course was in the best interest of the colony. "I can show you that my families are already engaged at my prices," he wrote to Austin, "and are unwilling that I should permit others to settle on less terms." He stated that "the honest and industrious already in the country are of the same opinion, and have complied with the terms already." Undoubtedly some of the settlers without titles had complied with the terms, being willing to do so in order to obtain titles. And having done so, it was only natural that they should think that others should be required to do the same. Edwards saw no injustice in this, and believed he was acting within the terms of his contract. Indeed, he carried that belief to the extent of contending that those within the limits of his grant who already had obtained titles through Austin should nevertheless pay him his fee. The political chief, however, interpreted the law differently, and, as the complaints piled up, the conviction grew upon him that something would have to be done to stop Edwards.

In December, 1825, an election for alcalde was held in the Nacogdoches district, the candidates being Edwards's son-in-law, Chaplin, and James Gaines's brother-in-law, Norris. Chaplin received a majority of the votes cast, but many of these were of "squatters" on

the twenty-league reserve, and Sepulveda and Gaines contended they were not citizens and not entitled to vote. With these votes thrown out, Norris was elected. Edwards's party seized the archives of the office and installed Chaplin as alcalde. Gaines and Sepulveda appealed to the political chief at San Antonio, and he upheld their contention that the votes thrown out were illegal, directed that Norris be sworn in as alcalde, and that if Chaplin did not hand over the archives of the office peaceably he should be compelled to do so by force. Chaplin made no resistance, and a violent clash was thus averted.

But having obtained control, the Norris faction then proceeded to subject members of the opposing party to all kinds of petty annoyances and to carry things with a high hand generally. There was constant friction and, as the leaders of the Norris faction were unfriendly to the whole plan of colonizing Texas through empresarios, every method was used to embarrass Edwards in his efforts. A settler would select a site for his home and proceed to move on the land, when a Mexican would appear with an ancient title to it and the alcalde would recognize the title. There was ground to believe that some of these titles were forged, and that the hand of Sepulveda had done the forging. This was a cause of more friction and of further complaints by the local authorities to the political chief. Moreover, in the general administration of the district the Gaines-Norris faction practiced discriminations against members of the Edwards faction. Fees in all legal transactions were fixed at a maximum, and any controversy between members of the opposing fac-

tions was likely to be decided against the Edwards adherent. Soon the whole district was torn asunder in a violent quarrel in which feeling ran high and passion ruled supreme.

One incident that has been cited in all accounts of those disturbances gives an idea of how trivial matters were magnified into affairs of a great moment, so tense had become the situation between the factions. A man named Tramel, who had been appointed by the alcalde of Nacogdoches to operate a ferry at the crossing of the Trinity during the time when Austin's first colonists were coming into the country, had sold his right to another man, whose name has not come "echoing down the corridors of time." This ferryman, it seems, hearing that an old Mexican named Ignatius Sertuche, together with his family, was starving at Spanish Bluff, a little way below the ferry, went to his aid, moved him down to the ferry, provided his family with food and ministered to their needs generally. Sertuche, having been restored to health and strength, and finding that the ferry was a berth worth having, applied to the alcalde at Nacogdoches for the appointment as ferryman. The alcalde appointed him, and dispossessed the man who had purchased the place from Tramel. Whereupon Edwards in turn ousted the Mexican and reinstalled the former occupant. There was an appeal to San Antonio, and Saucedo, the political chief, ordered that Sertuche should be placed again in charge of the ferry, because in such cases Mexicans should be given preference.

And so it went. Friction and misunderstanding grew worse with each passing day, and the cabal at

Nacogdoches took advantage of every opportunity to complain to the political chief and to intensify the prejudice of that official against Edwards.

In the midst of all this turmoil, Benjamin W. Edwards, brother of the empresario, stepped upon the stage. It became necessary for Hayden Edwards to return to the United States in the interest of his enterprise, and he induced his brother to take charge of the colony during his absence. Judging from the literary style of his letters, B. W. Edwards was even less fitted to deal with the delicate situation existing than the empresario himself. Being unacquainted with the Spanish language he was half the time not sure what was going on and, when he was informed by the alcalde at Nacogdoches that orders had been received giving the local government jurisdiction over the disposition of all lands within the district, he finally appealed to Austin to advise him as to the best course to pursue.

"Order after order has been transmitted here containing censure of Hayden Edwards," he wrote to Austin, "without any inquiry into the truth or falsehood of the accusations presumed to be made against him; and no list of charges furnished him even, to give an opportunity of self-defense. In the first place, orders have been recently received here by the alcalde (as it is said) that Hayden Edwards was not entitled to charge anything for lands. A more recent order says that all contracts already made may stand, but that none hereafter will be good, and that any person hereafter contracting to pay said Edwards for lands shall forfeit them and be ordered out of the country. A still later order says that said Edwards shall refund whatever he

may have received for lands, making it the duty of the alcalde here to compel him, should he refuse. Another order a few days ago says that this town shall have its original jurisdiction (which is said to extend to the Sabine on the east and nearly to the Trinity on the west, etc.) and that the junta alone, and not the empresario, shall dispose of said lands within said district. The last order, said to be received by Tuesday's mail, directs the alcalde to inform H. Edwards that, unless he changes his conduct (without informing him what it is that is complained of), his grant will be taken from him, and that he will be held amenable to the tribunals of the country."

The letter recited a long list of abuses and expressed fear that the Americans would not stand for such things much longer. It concluded by requesting Austin's advice. "I have opened this correspondence with you in the most friendly confidence," it read, "hoping to receive from you every information and advice as to what steps had best be taken on my part in the present attitude of affairs. . . . I am sensible of the importance of a personal interview with you, but this at present is impossible. I hope to hear from you as soon as possible. I should deem a private conveyance much safer than by mail."

Austin, who had been watching the course of events at Nacogdoches with much misgiving as to their effect upon the future of American colonization in Texas, was reluctant to take any part in the matter. He wrote to B. W. Edwards, however, giving him the benefit of such advice as he felt competent to offer. "I hope you will credit me," he wrote, "when I assure you

that I sympathize with you fully on account of the unpleasantness of your situation. The affair will be highly injurious to the future prospects of immigration, and of general detriment to the whole country. The subject has caused me great unhappiness, but I had determined not to interfere with it in any way—it is a dangerous one to touch, and particularly to write about. You wish me to advise you. I scarcely know what course will be best. The uncertainty as to the precise nature of the charges against you renders it difficult, nay, impossible, to make a regular defence. I think, however, I would write directly to the governor of the State, give him a full statement of facts and a very minute history of the acts of your principal enemies and their opponents, and their manner of doing business in every particular, both in regard to your brother as well as all others. State the general situation of the country, the confusion and the difficulties which exist, and the cause of them, etc., in order that the government may have the whole subject fully before them, and be enabled to judge of the motives that have influenced those who have been most clamorous against you. Write in English, and make an apology for doing so, as that it is impossible to procure translators, etc. I advise the utmost caution and prudence on your part and that of all your friends as to your expressions, for every word you utter will probably be watched and reported if considered exceptionable."

If Austin had been as well acquainted with B. W. Edwards's letter-writing propensities at that time as he later became, it is probable that the last thing he would have advised was for that gentleman to write a letter

to the governor. But the letter was written, and in it the author gave such an account of the situation at Nacogdoches as seemed to him likely to impress the governor. He asked that proceedings against his brother be held up until he returned, and that he be given an opportunity to make a defense. The governor, Victor Blanco, took offense at the tone of the letter, declared that it was not sufficiently respectful and, instead of granting the request for delay, he cancelled the Edwards contract and ordered the expulsion of both brothers from the country. Blanco recited the complaints against the empresario and then concluded as follows:

"In view of such proceedings, by which the conduct of Hayden Edwards is well attested, I have declared the annulment of his contract, and his expulsion from the territory of the republic, in discharge of the supreme orders with which I am invested. He has lost the confidence of the government, which is suspicious of his fidelity; besides, it is not prudent to admit those who begin by dictating laws as sovereigns. If to you and your constituents these measures are unwelcome and prejudicial, you can apply to the supreme government; but you will first evacuate the country, both yourself and Hayden Edwards; for which purpose I this day repeat my orders to the authorities of that department—in the execution of which, as they will expel from the country all evil-doers, so they will extend full protection to those of worth, probity, and useful skill, that have settled therein and are submissive to the laws and constituted authorities."

This order was dated October 2, 1826. Hayden

Edwards had returned to Texas in the meantime and was present when it was received. It meant great financial loss to him, even if the supreme government should decide ultimately to reverse it. If the order should stand it meant utter ruin. He very justly thought that he had been dealt with unfairly. More than that, he felt he had been insulted personally by the tone of the order and the arbitrary judgment of the governor against him. It was in this mood that he conceived the wild scheme of making his private wrongs into public grievances and attempting to bring about an armed revolution to detach Texas from Mexico.

CHAPTER XII.

"REPUBLIC OF FREDONIA."

WHETHER it was Hayden Edwards himself or his brother who first suggested the mad plan of raising the banner of revolt is not known, but that something of the sort was in the mind of B. W. Edwards as early as July, before he had written the letter to the governor, is indicated by certain expressions in his letter to Austin.

B. W. Edwards was one of those who viewed the whole movement of immigrants into Texas as a prelude to ultimate annexation of the territory to the United States. But he wanted to see the country settled first. He wrote Austin that it had been his hope and wish that Texas "would peaceably fill up with enterprising Americans, without any interruption to their enterprise or premature collision with the authorities." The use of the word "premature" is significant, implying that he regarded an ultimate "collision with the authorities" as inevitable. It is more than probable that Hayden Edwards shared these views. To one having such opinions, it would be only a short step, especially when one's personal interests were involved, to decide the time had come to strike. B. W. Edwards seems to have anticipated that developments might bring about such a situation, and it is not improbable that the advice which Austin gave him in reply to his letter was not precisely what he had hoped to receive. For he had strongly

intimated that conditions might get beyond control in the Nacogdoches district. "I know American character too well to feel indifferent to what is passing here," he wrote. "Once shaken in their confidence in this government, an outrage upon the rights or person of one influential American will produce the spark of ignited matter that will kindle into a conflagration, which, we can not doubt, will immediately extend itself to the sympathies of the people of another government."

The "people of another government" that B. W. Edwards had in mind were, of course, the American people. That letter was written in July, so that it would seem that even then revolt was thought of by him as a final resort if the government should persist in its attitude. There can be little doubt that the Edwards brothers reasoned that if they launched a revolt it would draw strength from the east side of the Sabine as well as from the Americans in Austin's colony and the other settlements in Texas. If there was any purpose in B. W. Edwards's mind to sound out Austin on the subject when he asked for advice, he received no encouragement whatever. It is significant that when the decision to revolt was finally made it was done without consulting anybody in Austin's colony. The fatal step was taken first, the standard of revolt unfurled, before an appeal was made to any of the settlers outside the Nacogdoches district. And then it was to the militia officers of the various settlements that the appeal was sent.

The decision was made in the middle of December, and before making any public declaration of their purpose the Edwards brothers sought an alliance with the

Cherokee Indians in the region north of Nacogdoches, who had migrated from the United States a few years before. These Indians had sent representatives to Mexico City in 1822 to ask for a grant of land, and the reply of the government had not been satisfactory to them. They were resentful of the delays which had occurred, and Hayden Edwards sought to capitalize this situation by promising these Indians the lands they desired if they joined him in a movement to drive the Mexicans from Texas. On December 18 a committee, of which both the Edwards brothers were members, went into conference with Richard Fields, John Dunn Hunter and three other Cherokee chiefs, on the terms of an alliance. The powwow lasted three days, at the end of which a treaty was signed. This treaty provided that the Indians would join Edwards and his followers in a war against the Mexicans, and that Texas would be divided into two parts by a line drawn east and west from a point just north of Nacogdoches. The region north of this line would be given to the Indians and the territory south of it, to the Rio Grande, would be formed into an independent republic, to which the Edwards brothers gave the high-sounding name of Fredonia.

Meantime the movement had gathered a number of adherents from the region between Nacogdoches and the Sabine, and on December 18 they took possession of the old "stone fort" and proceeded to fortify it. It was then that the Fredonians turned to the other colonists, and the facile pen of B. W. Edwards was brought into play in writing "stirring appeals." At the same time an appeal to the people of the United States for

aid was dispatched to Natchitoches, but no sooner was the messenger out of the country than he renounced his allegiance to the Fredonian cause and published an unfavorable account of the whole affair in the newspaper at Natchitoches.

The literary productions of B. W. Edwards are among the chief remains of the Fredonian war, as it has come to be known, and they give a vivid picture of the affair, from his point of view at least. He sent stirring missives to Capt. Aylett C. Buckner, in Austin's colony on the Colorado; to Capt. Jesse Thompson, on the San Bernard; to Col. James Ross, on the Colorado; to Capt. Bartlett Syms, on the Brazos, and to others. And in addition to these specific appeals, he issued a general proclamation calling upon all Anglo-Americans to rally to the glorious Fredonian cause.

To Captain Buckner he wrote as follows:

"Enclosed are papers which will explain their meaning. Though a stranger to you, I take it upon myself to forward you these documents at the request of my brother; and from a high regard for your character and true American feelings, long since known to me, I am prompted at this moment to open a correspondence with you, believing that in times like these we would both feel superior to the little formalities of fashionable intercourse, which too often cramp the acts of congenial souls.

"Buckner, 'this is the time to try the souls of men!'

"The flag of liberty now waves in majestic triumph on the heights of Nacogdoches, and despotism stands appalled at the sight. I need not say to you why we have taken this bold and determinate stand. You are

not ignorant of the oppressions here, nor can you be less acquainted with the treachery and perfidy of the government.

"We have found documents in the office here making it evident that troops would be sent on to force us into submission to our wrongs, and to dragoon us into slavery. We are Americans, and will sooner die like freemen than to live like slaves!

"We have not acted blindly or precipitately in this matter. We have for some time looked forward to this issue, and were preparing for it. The Indians on our north have long since intended the same thing, and have only been waiting for us to say the word. They were determined to have a part of the country, which, they say, was promised to them by the government, and which they will never yield. They have immigrated of late in great numbers to the northern part of this province. Under those considerations, and for our own security and protection, we have just completed a treaty with them, designating a line to the north of this, running westwardly to the Rio Grande, securing all individual rights within their territory.

"The treaty was signed by Dr. John D. Hunter and Richard Fields as the representatives of the United Nations of Indians, comprising twenty-three tribes.

"They are now our decided friends, and by compact, as well as interest, they are bound to aid us in effecting the independence of this country. The Comanches are in alliance with them, and their united efforts will be immediately directed against this base and faithless government. We will be in motion in a short time. We have sent communication to yours and to every dis-

trict in the province inviting each district to appoint two delegates, to assemble here and make a declaration of independence, etc. On your patriotism and firmness we much rely in promoting this glorious end. I have no doubt that the people in Austin's colony are true Americans; indeed, I have pledged my word on it. Do not hazard too much; but, my dear sir, we can send you an ample force to secure the people of that colony, and will do it the moment we ascertain they are for independence.

"We are now waiting to ascertain that fact in due form; morally, we can not doubt it. You are Americans and our brothers, and, besides, you are the sons of freemen. To arms, then, my countrymen, and let us no longer submit to the caprice, the treachery, and oppression of such a government as this!

"Our friends in the United States are already in arms, and only waiting for the word. We had some little opposition, on the Ayish bayou, from a few servile tools of Norris and Gaines; but the indignation of the multitude rose in the majesty of the American feeling, and they have fled in precipitation, and returned to the United States, there to meet the indignant scorn of every American.

"The cause of liberty will prevail, and in a little time we will once more be freemen!

"I have written to you like an old acquaintance, because, in times like these, our souls should speak forth their unaffected feelings.

"Adieu. Let me hear from you without delay."

This flowery epistle is a fair sample of the effusions which B. W. Edwards turned out with seeming facility

and dispatched to the militia officers of Austin's colony. He assured all of them that it was "a time to try the souls of men," but he neglected to give a bill of particulars of the grievances which justified so rash a step as revolution. He predicated his appeals almost entirely on the circumstance that the colonists were Americans and their "oppressors" were Mexicans. "We are Americans," he wrote to Capt. Jesse Thompson, "and will die sooner than submit to slavery and oppression. We have now planted the standard of liberty and independence, and, like our forefathers, will support it or perish by it. Are you not Americans, too, and our brothers? Will you not rally around this glorious standard and aid us in support of this holy cause? To arms, then, like freemen and the sons of those departed patriots who fought and bled for freedom! Should the Spanish troops pass the Brazos, if you are Americans, they never will return; they never will reach this place." In his letter to Col. James Ross, with no apparent sense of incongruity, he coupled this appeal with the assurance that they were backed up by the sacred pledge of savage Indians! "We call upon you and every American, as brothers in a foreign land," he wrote, "to aid us in this holy cause. Twenty-three nations of Indians, exclusive of the Comanches, are now sacredly pledged to aid us in our independence. We must succeed, and this base government will soon shake to its foundations." To Capt. Bartlett Syms he declared that volunteers from the United States were already on the move. "To arms, my dear fellow," he urged patronizingly. "I know you have the soul of an American in your bosom. Rouse our countrymen

to arms, and tell them that in a short time we will be with them in considerable force. Many volunteers from the United States are now making preparations to join us. We are determined upon liberty or death!"

It was in the general appeal to the colonists as a whole, however, that B. W. Edwards gave his muse full rein. That ornate and eloquent document read as follows:

"Fellow Citizens:

"An important crisis is at hand—the clouds of Fate are fast gathering over our heads, full of portentous import—the rude clarion of War already reverberates through our forests; whilst the majestic Flag of Liberty is joyously waving over this once hopeless country. Yes, Fellow-Citizens, that glorious Flag which conducted our Fathers to freedom, has been reared by descendants, who burn with a generous ambition to equal their immortal deeds; and under its shadow and protection we invite you to unite with us in brotherly confidence, and in bloody battle, if our common enemies shall force this issue upon us.

"You have been much more fortunate than we have been, in being permitted to enjoy the benefits of self-government, without the continual intrusion of tyrannical monsters appointed to harass and to persecute in the name of the miscalled Mexican Republic. Your laws are merely social, and such as were compatible with your own feelings; and dictated by the genius of that Constitution which gave you political birth. But here the true spirit of this perfidious government has operated in its natural channel. Here have we seen exemplified the melancholy fact that an American free-

man, so soon as he enters the confines of the Mexican Empire, becomes a slave. Here have we seen tyranny and oppression in its rankest shape, not surpassed by monarchy itself, even in the darkest period of colonial bondage. Not only the petty tyrants here, but the Governor himself has sanctioned those oppressions, and has decreed the expulsion and even the sacrifice of your fellow-citizens for asking for justice. Yes, Fellow-Citizens, the documents found in the Alcalde's office at this place, develop facts that speak awful warning to us all. They prove, too, that a brutal soldiery were, ere this time, to be let loose upon this devoted country; and that our best citizens were selected as victims of destruction. In a little time you, too, would have felt the rod, the galling yoke, that bore us down. Your chains were already forged, and so soon as the laws and genius of this government, administered by its own officers, had operated upon you, you would have awoke from your fatal delusion and, like ourselves, have sprung to arms for the protection of your rights and liberty.

"And yet, Fellow-Citizens, we are told we shall meet you in the ranks of our oppressors; that the flag of liberty, which waves on high, is to be assailed by Americans; and that the first bloody conflict must be 'Greek against Greek.' Forbid it Heaven!!! O, no, this can never be! The world will never witness such a horrid sight! What! Americans marching in the ranks of tyrants, to prostrate the standard of Liberty, raised for the protection of their oppressed and suffering brothers? The graves of our forefathers would burst open and send forth the spirits of the dead! The angel of Liberty, hovering over such a scene, would shriek with hor-

ror and flee from earth to Heaven! Fellow-Citizens, I know you better! I have already pledged my honor upon your patriotism and your bravery. I am now willing to stake my life upon it, and to lay my bosom bare to the bayonets of you, my Fellow-Citizens and Friends, in such a case. I am not ignorant that attempts have been made to invoke your hostility against us, and that even official documents have been read to you, impugning the motives and misrepresenting the designs of those who have rallied around the standard of Liberty. But, my Friends, those imputations are false as hell, and only worthy of those who know not how to appreciate the holy feelings of freemen, and whose great ambition is to be the pliant tools of power.

"We have undertaken this cause in defense of our violated rights, and are actuated by such feelings as prompted our forefathers to draw their swords in 'Seventy-six.' Our oppressions have been far greater than they ever bore; and we should be unworthy of those departed patriots and of our birthright had we any longer bowed our free-born necks to such abject tyranny. You have been told, Fellow-Citizens, that we are robbers, and that your lives and property are in danger from us. You cannot believe it. We have saved you, Fellow-Citizens, from impending ruin. A few months will develop to you facts that will draw forth ejaculations of gratitude toward those who are now shamefully traduced because they are too proud to be slaves. We have made a solemn treaty with Col. Richard Fields and Dr. John D. Hunter, as the representatives of twenty-three nations of Indians, who are now in alliance with the Comanche Nation. In that treaty your

rights, your lands, are guaranteed, unless you take up arms against us. Fellow-Citizens, most of you know me, and will do my motives justice. I have been honored with the chief command of our forces. I will pledge my life, my honor for the security of your rights, and the safety and protection of your wives and children. You have nothing to fear from us, or from our allies. You have everything to hope from our success. We have not taken up arms against you, my Friends, but to protect you and ourselves. If we meet in bloody conflict, we at least will not be the aggressors.

"Fellow-Citizens, we must succeed! We will be freemen, or we will perish with the Flag! Be firm, be faithful to your brothers, who are now struggling for their rights, and the conflict will be short! We have rejected the overtures of peace, because we know this perfidious government too well to be betrayed a second time. Liberty and Independence we will have, or we will perish in the cause! Like Americans we will live—like Americans we will die! I have pledged myself! You will do the same!"

That this outburst of eloquence, announcing the inauguration of a revolution, created a sensation throughout the settlements can be well imagined. But everywhere the proposal of the "Fredonians" was condemned and it was soon clear that, far from joining in the revolt, the colonists were ready to support the government in putting it down.

Austin lost no time in taking steps to deal with the situation. As soon as he learned of the proceedings at Nacogdoches, he dispatched messages to all the settle-

ments, calling upon the colonists to be ready to stand by the government. He wrote to some of the eastern colonists who had joined Edwards and begged them to turn back before it was too late. Without delay also he sent a committee from his colonists, headed by Captain William S. Hall, to Nacogdoches to confer with the leaders of the revolt, offering to intercede with the government and to attempt to bring about an adjustment of the controversy. One of the members of Edwards's governing committee was B. J. Thompson, with whom Austin was on very friendly terms, and to him Austin sent a personal appeal. "My friend, you are wrong," he wrote, "totally wrong from the beginning to the end of this Nacogdoches affair. I have no doubt that great cause of complaint exists against the alcalde and a few others in that district, but you have taken the wrong method of seeking redress. The law has pointed out the mode of punishing officers in this government from the president down, and no individual or individuals ought to assume to themselves that authority; but what is past is done—let us forget it, and look to the future. If you will take reason for your guide in the future and do your duty as a citizen of this government, all will be right. The Chief of this department is on his way to Nacogdoches; his object is to regulate the government and do justice to all—he is a mild and good man and will never do an act of injustice to anyone, and if you will come forward freely and without reserve and in a respectful manner submit to his authority, you will save yourself and family from total and inevitable ruin. You have been most astonishingly imprudent, but I do not think it is too late

for you to settle all that is past, for I cannot believe that you have been so mad as to think of joining the Indians and opposing the government by force.

"The people of this colony are unanimous. I have not heard of one here who is not opposed to your violent measures, and there is not one amongst us who will not freely take up arms to oppose you and sustain the government, should it be necessary to do so. My wish is to befriend you all, so far as I can consistent with my duty, and if you will rely upon me and listen to my advice all will be settled easily. Separate yourself from all factions; disband your volunteer company raised in violation of the laws; and submit to the government freely and without hesitation, and put aside your arms. If you do this I have no doubt but everything will be satisfactorily settled; take the opposite course and you are lost, for you need not believe those who tell you that this government is without force. They can send three thousand men to Nacogdoches, if it should be necessary, and there is not a man in this colony who would not join them. Think what you are about, my friend, and save yourself by adopting the course I have pointed out before it is too late."

Captain Hall and his committee returned to say that Austin's offer to mediate had been refused and that nothing could be done with the rebels. They reported also that the total force of the Fredonians was rather small, not exceeding forty men. Meantime, Saucedo, the political chief, started for San Felipe, and also dispatched a force of soldiers, under Colonel Mateo Ahumada, to that place. He directed Austin to raise a force of volunteers among the colonists.

Austin had sent messages to all the settlements in the colony, immediately upon receipt of the news of the trouble at Nacogdoches and of the action of B. W. Edwards in attempting to obtain the adherence of his colonists. The message sent to the district of Victoria was characteristic of all of them. It was as follows:

"My Friends: An important crisis has arrived in the progress of this country, and in the destiny of this colony. We stand high with the government, and an opportunity is now presented of raising our characters still higher and placing this colony on a firm footing as regards the opinion of the government, and I think there is not one man in the colony who will not with pleasure embrace it.

"A small party of infatuated madmen of Nacogdoches have declared Independence and invited the Indians from Sabine to Rio Grande to join them, and wage a war of murder, plunder, and desolation on the innocent inhabitants of the frontier. The leader of this party is Martin Parmer; and Jim Collier, Bill English, the Yokums, and men of that character are his associates. Agreeable to information received this day under date of 28th of December, this party is about forty strong. All the well disposed and honest part of the people on Ayish Bayou are decidedly opposed to them, and there is a force of seventy men united there against the Nacogdoches madmen and in favor of the government.

"The chief of department and the military commander will be here tomorrow or next day on their way to Nacogdoches, and I wish to raise an escort of about thirty men to go with them. This is a mark of respect we owe these officers, and at this particular time it will

have a decisive influence on the future prospects of this colony. It will also have a very great influence in the quieting and settling the difficulties in that part of the country, for the men who go from here, by their presence under the banner of the government, will at once dissipate the errors which these people have been induced to believe by a few artful men, as regards the part this colony will take. It will have a much better effect for the people to volunteer on this service than to be called on officially, and, in order to give them a full opportunity of showing their patriotism and their love of good order, virtue and justice, I have made no official call, but merely appeal to you as men of honor, as Mexicans, and as Americans, to do your duty, but I am happy to say that, in this instance, they are the same. It is our duty as Mexicans, to support and defend the government of our adoption, by whom we have been received with the kindness and liberality of an indulgent parent. It is our duty as men, to suppress vice, anarchy, and Indian massacre. And it is our duty as Americans to defend that proud name from the infamy which this Nacogdoches gang must cast upon it if they are suffered to progress. It is also our interest, most decidedly our interest, to do the same, for without regular government, without law, what security have we for our persons, our property, our characters, and all we hold dear and sacred?

"None, for we at once embark on the stormy ocean of anarchy, subject to be stripped by every wave of faction that rolls along, and must finally sink into the gulf of ruin and infamy.

"The occasion requires an effort on the part of the

people of this colony, and to give it its full force I wish that it should be voluntary and unanimous. And I wish the inhabitants of the District of Victoria to meet and adopt such resolutions on this subject as their patriotism may suggest, and to come out openly and above board in expressing their disapprobation of this Nacogdoches business and make an offer of their services to the Governor to march against the insurgents, should it be necessary to do so. And then appoint a committee to wait on the chief of department with the respects of those inhabitants and to present the resolutions. Such a thing will be done by every other part of the colony and will have a very happy influence on our future prosperity.

"I wish the men who volunteer to go with the chief to be here as soon as they can conveniently prepare themselves for the trip, ten men from the District of Victoria will be enough, unless more wish to go, for it is good and honorable service.

"I have no doubt that you will be active and prompt in this business and embrace the opportunity that is now presented with pleasure. Wishing you a happy New Year, I remain very respectfully your friend and fellow-citizen and recommend to you Union and Mexico."

The settlers in all parts of the colony were of one mind about the Nacogdoches movement. Universally they were against it, and they promptly followed Austin's suggestion to hold meetings for the purpose of expressing their sentiments. Resolutions were adopted, strongly condemning the insurgents, expressing loyalty to the government and volunteering to serve in putting down the revolt. On January 4, for example, the citizens of Mina, Austin's Colony, met under the chair-

manship of Thomas M. Duke, alcalde, adopted strong resolutions, and appointed a committee consisting of William Kincheloe, William Selkirk and Isaac Phillips, to present them to the political chief. The resolutions were as follows:

"1st. We unanimously declare our firm resolution to support the Mexican Constitution and the Constitution of the State of Coahuila and Texas.

"2nd. We feel deeply incensed at the conduct of those Americans at Nacogdoches who have openly raised the standard of Rebellion against the Government, and offer our services unanimously to suppress it.

"3rd. We would wish the Government to understand clearly and distinctly that those traitors at Nacogdoches, at least the leading men, are of infamous character, who have been obliged to fly from the United States for murder and other crimes committed there.

"4th. We likewise from the personal attachment we feel towards the Governor as the chief executive officer of our state wish him every success, and that he may be able to quell in a short time the insurrection, and restore peace and harmony to the people."

On January 6 the inhabitants of the town of San Felipe and of the surrounding country held a similar meeting and adopted resolutions. These resolutions declared that "they view the attempt of the Nacogdoches party to declare independence and call in the aid of Indians to wage war against the peaceful inhabitants of Texas with the most decided disapprobation, and are ready to rally round the standard of the Mexican Nation and sustain its government and authority by force of arms whenever called upon.

"The inhabitants frankly and freely declare they are satisfied with the government of their adoption and are grateful for the favors they have received from it, and have full reliance on its justice and magnanimity, and that they will take up arms in its defense whenever necessary to do so.

"With the greatest pleasure they receive the chief of this department and commandant of arms and respectfully present to those distinguished officers their most sincere welcome and congratulations on their arrival in this colony, and through them to the superior government the assurance of our firmness and patriotism in defense of the liberty, honor, and rights of the Mexican Nation to which we have the honor to belong.

"Resolved, by this meeting, that this declaration be signed by the alcalde in the name and in behalf of the inhabitants of this District and that two persons be appointed a committee to present one copy of them to the Chief of Department and another to Col. Mateo Ahumada, the commandant of arms of this Department of Texas."

This document was signed by M. M. Battle, alcalde, and was presented to Saucedo, the political chief, and Colonel Ahumada, the military commander of the department, who had just arrived in San Felipe. Similar resolutions were sent in from other settlements in the colony, and when word of these proceedings in Austin's colony was received in DeWitt's colony on the Lavaca similar action was taken there. The resolutions of DeWitt's settlers, which were signed by Byrd Lockhart, as chairman, and James Norton, as secretary, declared:

"1st. That the people of the Colony came to, and set-

tled in the Mexican Nation, by the benign influence of her laws; that as adopted children they have full confidence and faith in the equity, justice and liberality of the Federal and State Governments of their new parent.

"2d. That their great object in leaving their parent country and emigrating hither was not for the purpose of unsheathing the sword of insurrection, war, bloodshed and desolation, but as peaceable and industrious subjects to cultivate and inhabit the bounteous domain so liberally extended and offered them by the governors of the land of their choice.

"3d. That we hope that the Mexican Nation will draw a just line of distinction between the honest, industrious and peaceable American emigrants, and those of bad character, whom we consider refugees and fugitives from justice, who have raised the flag of 'Independence' at Nacogdoches, but with them have spread confusion, robberies, oppressions, and bloodshed; that we look upon the ring-leaders of that party with contempt and disgust, and that they are unworthy the character of Americans.

"4th. That we pledge our lives and our fortunes to support and protect the constitutional authorities in this, our much beloved and adopted country.

"5th. That we feel every sentiment of gratitude toward our fellow citizens and brothers, His Excellency the Political Chief, and the officers and men with him for their indefatigable exertions, by forced marches, etc., to allay, suppress, and bring to condign punishment those persons who may be found guilty of treason against this government, and to establish subordination, good order, and tranquillity.

"6th. *Resolved*, that the chairman and secretary sign the foregoing resolutions, and transmit same to Colonel Stephen F. Austin, and that he be requested to translate them and submit them to His Excellency the Political Chief."

Such was the answer of the settlers throughout Texas to the "ringing appeals" of B. W. Edwards in behalf of the "Republic of Fredonia." When Saucedo and Ahumada arrived at San Felipe they found the entire population of Austin's colony loyal to the government and ready to assist in putting down the insurgents.

Austin, however, was resolved to bring about a peaceful settlement of the whole affair if that was possible, and to this end he importuned Saucedo to offer to the insurgents a general amnesty, together with a promise to make a full investigation of grievances, including the cancellation of Edwards's contract and the claim of the Indians for a grant of land. He proposed that a delegation of settlers from his colony convey this offer to Nacogdoches and present it to the leaders. Saucedo consented to this plan, and accordingly official communications were prepared setting forth these terms. A letter from Saucedo to Hayden Edwards agreed to overlook all that had occurred in Nacogdoches and to reopen the case with respect to his contract, provided the insurgents would lay down their arms. In addition to this there were letters from Saucedo and Ahumada to Richard Fields, chief of the Cherokees, and a letter from Austin to John Dunn Hunter, the representative of the Cherokee tribes in their petition for lands and in their compact with Edwards. A committee, consisting of

Richard Ellis, James Cummins and James Kerr, was accordingly sent to Nacogdoches to present these communications.

The character of the whole mission may be judged from a passage in Austin's letter to Hunter. "As respects the Edwardses," he wrote, "they have been deceived or are deceiving themselves as to my feelings towards them, and the letters of the chief of department and commandant-of-arms to Hayden Edwards ought to be sufficient to prove to them that I have at least done nothing against them. This government has by these letters offered a complete and full and unequivocal oblivion as to the occurrences at Nacogdoches since the commencement of these last disturbances, provided they now cease. This places Edwards and the others on the same ground they occupied before this affair; also the door is open for a new hearing, or, if you please, a hearing in full (supposing none to have been heretofore had), as to the affairs of his colony and everything connected with his acts since he came to the country.

"The personal security of all concerned is guaranteed expressly by the chief in his letters while these matters (whose origin was previous to the last disturbance) are under investigation; and as to the union and acts of the party at Nacogdoches, there will be no investigation of any kind, for the general oblivion settles all that forever as respects the government. . . . Edwards can have an opportunity of showing that the information given against him by the local authorities of Nacogdoches was false, and that the government has been deceived by those subordinate officers; and if he proves this, justice

and equity and honor will at once say that if injustice has been done to him by a hasty decision, that decision should be reversed."

With high hopes of success, therefore, Ellis, Cummins and Kerr set out for Nacogdoches. The result of their visit is best told in the report which they made on their return. This report, which was addressed to Austin, read as follows:

"Sir,—We have the honor to report to you, and through you to His Excellency, the political chief of the department of Texas, that we have failed of success in the hoped-for object of our mission to Nacogdoches. We proceeded with all possible dispatch to the Neches River, where we met an outpost of the insurgents stationed in the house of Colonel Bean. They had taken possession of the boat and all of Bean's property and declared it confiscated. On our arrival at said post the soldiers informed us that the country was revolutionized from there to the Sabine River.

"We therefore deemed it important and to our safety to make known to those people the object of our mission, and to inform them of the generous and friendly proposition of his Excellency: that justice was offered and mercy would be extended to all who would return to their duty; at which they seemed well pleased, and expressed a wish that we would succeed in the hoped-for object.

"We reached Nacogdoches the next day, and directly made known to the principal men of the factionists our business. They informed us that the laws of war had been declared in Nacogdoches, and that they should expect us to be governed by them. We were therefore

under the necessity of meeting the principals in private, which we did, viz: Hayden and Benjamin Edwards, on the part of the white people, and one John D. Hunter and —— Bassett, on the part of the red people. (This Hunter said he was the representative of twenty-three tribes of Indians and, further, that he was the absolute agent and attorney in fact for Dick Fields.)

"We delivered the official documents to those present, and those for Fields were delivered to Hunter. We then went into a friendly discussion by way of exhortation of them, founded on the proclamation and amnesty granted by his Excellency, and urged the same with all our force; that it held forth to view justice and mercy, and the bounty and munificence of this our beloved and adopted country. We argued that this highly benevolent act on the part of the Mexican government must place the same on high and very exalted ground with and in the eyes of all the republics of the earth, and gives at one view every assurance of a warm-hearted and affectionate step-mother; that it was proof and guarantee of the republic resting on the broad basis of justice, liberty and equal rights!

"For all of which we received for answer that they never would concede one inch, short of an acknowledgment on the part of the government, of their entire, free, and unmolested independence, from the Sabine to the Rio Grande; that they viewed the Mexican government (as it was called) as a corrupt, base, and faithless government!

"Here our negotiations ended. Fields was in his own village, and we deemed it not only hazardous, but dangerous, to attempt to see him; which, however, is the

less to be regretted, as we are satisfied that he is under the influence of Hunter. Two principal war-chiefs—Bowls and Big Mush—have, as it is said, refused to join Fields.

"We are happy to inform his Excellency that the citizens on the Trinity and Neches Rivers are firm friends to the government, and also those of the Ayish Bayou, who are in deep distress for want of aid from the government. Some of them have crossed the line for safety, while others are acting the hypocrite, in order to save their little property until relief by the government may enable them to come out with full front in favor of the government.

"We would here beg leave to state that there is scarcely one of the perverse party that has any property; not one slaveholder among them, but many vagabonds and fugitives from justice, who have fled from the United States of the North, and who have so shamefully debased the American character.

"We take the liberty to recommend to the notice of the political chief and to yourself Colonel B. Foster and Captain P. Nesby, who have aided our efforts in all things, and highly deserve our warmest gratitude.

"God and Liberty.

"We have the honor, sir, to be, very respectfully,

"Your obedient servants,

"RICHARD ELLIS,

"JAMES CUMMINS,

"JAMES KERR."

The result of this mission was disappointing to Austin and his colonists. The word had been passed around

that the government had offered the insurgents such terms as they would be bound to accept, and it was believed that the whole trouble would soon be settled. Austin had exhausted every means to bring the affair to a peaceful conclusion. There was nothing left to do but to suppress the revolt by force. Accordingly he now sounded a call to arms.

CHAPTER XIII.

RESULTS OF THE FREDONIAN WAR.

The circumstance which has been overlooked in practically all accounts of the Fredonian war heretofore published is that Austin did exhaust every means of bringing about a peaceful settlement of the trouble and that, so far as the great body of the colonists was concerned, the settlement was peaceful. The terms which he obtained from Saucedo, and which Ellis, Cummins and Kerr presented to the Edwards brothers at Nacogdoches, were not only such as could have been honorably accepted; they were in effect terms the acceptance of which would have constituted a victory both for the Edwardses and the Indians. That they were rejected indicates the extent to which the leaders of the revolt had deceived themselves as to the possibility of the success of their move for independence. But the very rejection of such terms robbed them of any hope that might have existed of obtaining support from the other colonists, for it left nothing for Austin and his settlers to do but to support the government to the limit.

In issuing the call to arms, Austin made this very clear, and predicated his action on the refusal of the Fredonians to accept the government's terms. "The persons who were sent on from this colony by the chief of department and military commandant to offer peace to the Nacogdoches madmen," he declared in a proclamation, "have returned without effecting anything.

The olive branch of peace that was so magnanimously held out to them has been insultingly refused. . . . The people of the colony after a full understanding of the pretended cause of complaint on the part of the rebels, as well as of the mild and magnanimous course of the government in offering them a full and universal amnesty and an impartial and public investigation of their alleged grievances, have unanimously, solemnly, and voluntarily pledged themselves in writing to the government, to oppose the factionists by force of arms. To arms then, my friends and fellow citizens, and hasten to the standard of our country!"

This proclamation was issued on January 22, and called for immediate and general mobilization. "The first hundred men who were called out from this colony," he said, "will march on the 26th inst. I now conjure you turn out in mass, and join as soon as possible. The necessary orders for mustering into service and other purposes will be given to the commanding officers."

On the same day that Austin issued this proclamation, Saucedo, the political chief of the department of Texas, decreed a general amnesty to all of Edwards's followers who would abandon the revolt and submit to the will of the government. The delegation which had been sent by Austin to Nacogdoches had reported that most of the inhabitants of the district were loyal, and that even among those who were in arms there were many who were playing the hypocrite in order to protect their property against confiscation. Still following the policy of Austin, to have as little violence as possible and settle the controversy peacefully, the political chief therefore

offered all "the inhabitants of the Trinity, Neches and district of Nacogdoches" full amnesty if they would abandon Edwards.

This proclamation of amnesty presents the version of the government of its quarrel with Edwards so comprehensively that it is given here in full. It follows:

"The difficulties which unhappily arose in Nacogdoches between the people of that district and the local authorities attracted the attention of the government, and I lost no time, after hearing of them, in marching from the capital of this province to that place, accompanied by the military commandant and a body of troops, for the purpose of regulating the government of that section of the Mexican territory, hearing the complaints of those who have been unjustly injured, and redressing the grievances of all in the mode prescribed by the laws. The Mexican government has opened its bosom to the reception of foreign emigrants with a degree of liberality unprecedented in other nations. The law prescribes the mode of their reception, and designates the quantity of land allowed to each settler and the manner of procuring it; and it is the duty of the government scrupulously to watch over the execution of the law, and see that no impositions are practiced on the people.

"An empresario was appointed for the people bordering on the reserved lands adjoining the United States. The people complained that Hayden Edwards, the empresario, was practicing speculations on them by exacting exorbitant fees, and by turning off their places old settlers and giving them to new immigrants, who would pay the price required. These complaints and many oth-

ers came from the people, and the voice of the people was heard. Proof was exhibited in writing, under the signature of said Hayden Edwards, that the material part of those charges were true, and it therefore became the duty of the government to notice them, and to interpose its arm to protect the innocent emigrants, ignorant as they were of the language and laws of the country, from any further act of injustice or oppression on the part of said empresario. Proof upon proof of his illegal acts were multiplied, and the government had no alternative but to stop him by annulling his contract, or suffer him to grind the poor emigrants and extort from them all they possessed.

"An erroneous opinion has, I fear, existed as to the nature of the authority granted to the empresarios. They are, according to the colonization law, nothing more than colonizing agents, employed by the government to settle a specified number of families of a certain description within a specified boundary. Hayden Edwards violated his duty and obligations as a colonizing agent or empresario by disregarding the law and speculating on the people, and the government were therefore not only authorized but in duty bound to take his agency from him. They did so, and for this reason he and his associates have declared themselves in open rebellion against the government, and he is endeavoring to excite the very people he was oppressing, and to protect whom the government interposed, to take up arms and join them in their mad scheme of independence. Will you suffer yourselves to be deceived by such men? Can you so far forget the bounties of this government and your duty as men to unite with renegades to wage a war of

murder and plunder against your fellow-citizens and against your government? No! Some of you may have been deceived, but, when you hear the voice of truth and reason, you will listen and be governed by it. Hear what this government have done, and then ask yourself if they could or ought to have done less. They annulled Edwards' contract because he was unjustly oppressing the new emigrants, but in order to give him a full hearing, even after he had taken up arms, they offered him a full amnesty and an impartial rehearing by the competent tribunals as to his acts as empresario. This act of moderation on the part of the government was insultingly refused by him, and he is endeavoring to excite the Indians to war.

"Fellow-citizens, do not suffer yourselves to be misled by the Nacogdoches faction, for they will ruin you and the country.

"I march from this place tomorrow, in conjunction with the military commandant of Texas and the militia of this colony, and have authorized Lawrence Richard Kenney to call upon all persons living in that section of the country to take up arms under the national standard and act in concert with the commandant-at-arms in attacking and putting down this faction.

"All persons who prove themselves faithful on this occasion will receive their lands in the manner prescribed by law, and those who live on the reserved lands will be recommended to the President, whose approbation is necessary in order that they may procure titles in conformity with the law.

"Rely with good faith on the justice and liberality of this government, and do not, I again repeat, suffer your-

selves to be deceived by the sinister schemes of the factionists. Extend your views to the future, reflect on your situation and that of your families and property; reflect on your duties as men of honor and as Americans, and you will see that anarchy, disgrace and ruin must be the fate of those who stray from the true path of reason and justice, and that prosperity and happiness will be the reward of those who steadily pursue it.

"I therefore call on you to rally round the standard of your country and unite your efforts with the national troops and militia of this colony to crush this most unjust and unnatural rebellion in its infancy."

This proclamation of amnesty was sent into the disturbed territory for circulation, its purpose being to draw away from the insurgents as many of the colonists as possible. Austin now turned his attention to the Indians. The delegation that had gone from the colony to Nacogdoches had reported that some of the war chiefs had refused to join Fields in the compact with Edwards, and that the real conspirator was Hunter, referred to as "the representative of twenty-three tribes." Hunter was an American who had been captured by Indians while a boy and, though subsequently rescued, had returned to the wild tribal life and had been adopted by the Cherokees. He had been made the "representative of twenty-three tribes" for the purpose of negotiating with the government of Mexico for a grant of lands, and it was upon his representations that an alliance with Edwards would further this object that the compact had been made. But the Indians had also been assured that the other American colonists would join in the war, and that Americans would come to help them from

across the Sabine. Fields was a half-breed and apparently under the influence of Hunter. Austin now resolved to appeal directly to the Cherokee chiefs, ignoring Hunter, but including Fields because of his standing as a chief. He selected from among his original colonists two men, John Cummings and William Robbins, who were well known to the Cherokees and likely to have influence with them, to make their way to the Indians' camps and deliver a letter setting the whole matter before them. This letter was addressed to "Captains Fields, Bowles, and Big Mush, and other Warriors of the Cherokee Nation living in Texas," and was as follows:

"To My Friends and Brothers, the Chiefs and Warriors of the Cherokees living in Texas:—

"This will be delivered to you by two of your old friends and brothers, John Cummings and William Robbins; they will tell you the truth; listen to their counsel and follow it.

"My brothers, I fear you have been deceived by bad men who wish to make use of you to fight their battles; they will ruin you and your people if you follow their counsel.

"The governor wrote to you and sent Judge Ellis, of Huntsville, Alabama, and Mr. James Cummins from the Colorado, and James Kerr from the Guadalupe, to see you at Nacogdoches and tell you the truth; but I fear John D. Hunter has concealed the letters and the truth from you, for he and Edwards would not suffer those men to talk with the Indians. I therefore now send you copies of the same letters that were sent by the governor and delivered to Hunter, which he prom-

ised to send to you immediately. By these letters you will see the government have never had any intention to break the promises made to you, and that they are ready to comply with them, provided you do your duty as good men.

"My brothers, why is it that you wish to fight your old friends and brothers, the Americans? God forbid that we should ever shed each other's blood. No; let us always be friends and always live in peace and harmony. The Americans of this colony, the Guadalupe and Trinity, are all united to a man in favor of the Mexican government, and will fight to defend it. We will fight those foolish men who have raised the flag at Nacogdoches; we will fight any people on earth who are opposed to the Mexican government, and we are all united as one man. The bad men, who have been trying to mislead you, have told you that we would all join you. This is not true; not one of us will join them. Those bad men have told you that Americans would come on from the United States and join them. This is not true; a few runaways and vagabonds who cannot live in their own country may join them, but no others. The American government will not permit such a thing, and, if this government asks it, will send troops to aid us.

"Why do you wish to fight the Mexicans? They have done you no wrong; you have lived in peace and quietness in their territory, and the government have never refused to comply with their promise, provided you do your duty as good men. What, then, is it you ask for, or expect to gain by war?

"My brothers, reflect on your situation; you are on

the brink of a dreadful precipice. The Cherokees are a civilized and honorable people, and will you unite yourselves with wild savages to murder and plunder helpless women and children? Will you unite with bad men of any nation to fight and plunder peaceable inhabitants? No, my friends, I know you will not. Bad men have tried to make you believe that the Mexican government had neglected you, and you have for this reason complained; but, my friends, those bad men have deceived you. The government is new, and it requires much time and attention to regulate all its different branches, and this may have delayed your business, but it is no proof that it would never be done. Open your eyes to your true interests, drive away those bad men who wish to lead you into ruin, and come with Cummings and Robbins and see the governor and your true friends, and all will be right.

"My brothers, Edwards is deceiving you; he once threatened to take your land from you, and would have done it if he could, but he had no right to interfere with you; the government gave him no right to disturb you, and he is the only man who has ever attempted to molest you, and now he pretends to be your friend, and wants you to fight his battles and ruin yourselves.

"Will you suffer such a man to deceive you? The government annulled his contract because he was trying to take away land from those who were settled before he went there. He tried to take away your lands, but the government stopped him, and defended and protected your rights as well as the rights of the whites; and will you fight for such a man and turn against the government who has protected you from his attempts

to ruin you? No, my friends, you will not. You have been deceived by him; leave him and come and see the governor and hear the truth."

Having thus provided a way for both the Indians and the settlers in the Nacogdoches district to abandon the leaders of the revolt and come under the protection of the government, Austin was now ready to march. During all the time of the negotiations looking toward a peaceful settlement, Saucedo, the political chief, and Colonel Ahumada, the military commander of Texas, had waited at San Felipe de Austin with a force of about two hundred men. They were now joined by one hundred of Austin's colonists, and the march to Nacogdoches was begun. On the way contingents of colonists from the Trinity and the San Jacinto joined the little army, so that it soon mustered about four hundred men all told.

This force would have been adequate to deal with the largest number of adherents that the Fredonians could have counted upon at any time, but before the end of January the Edwardses and their lieutenants were finding themselves nearly isolated. In the first excitement of the "revolution," when the offices of the authorities in Nacogdoches were seized, it is said they had two hundred men, though this figure might have been an exaggeration. But the force soon dwindled, and early in January Gaines, Norris and Sepulveda, with about eighty of their adherents, had made an attempt to retake the town. They were repulsed by a small force of the Fredonians and a few Indians, however, with one man killed and a few wounded, and Norris, Sepulveda and many of their followers escaped across the Sabine. The

month that elapsed after B. W. Edwards had sent out his appeals to Austin's colonists was a period of inactivity, during which nothing but disappointing news was received by the insurgents. They succeeded in "revolutionizing" the district around Nacogdoches for the simple reason that those settlers who were out of sympathy with the movement made a great show of siding in with it, depending upon the government to send troops to suppress it in due time. Further than this, the "revolution" made no progress.

But now things began to look dark. A superior force was advancing against Nacogdoches and no help had come either from Austin's colony or from across the Sabine. Meantime, the Indians had begun to doubt the wisdom of their alliance. Ellis Bean, who had recently come into East Texas as the Indian agent of the government, did some effective work in persuading some of the chiefs to have nothing to do with Edwards, and now that Austin's messengers were among them and giving them an account of the true situation, they began to hold aloof. Hunter was absolutely loyal to Edwards, but the Cherokees began to suspect him. Finally, while watering his horse at a creek, and entirely off guard, Hunter was treacherously shot down by a party of warriors, and the Indians then practically withdrew from the enterprise. Finding their situation hopeless, the Edwards brothers and a small party of their followers fled from Nacogdoches and crossed the Sabine into the United States. When the government's troops and the colonial militia approached the town they were met by a messenger from that place who brought the news of the flight of the insurgents. The Fredonian war was

over. It had been brought to a close without one shot being fired by either the government troops or Austin's colonists. Such fighting as had marked its brief course had been between the factions in the Nacogdoches district. The affair had in fact been brought to a close peacefully, as Austin had hoped, and it was chiefly through his efforts that this result had been attained.

Saucedo carried out the terms of his proclamation of amnesty to the letter. A few of the most conspicuous of the Fredonians who remained in the country were taken into custody, but upon Austin's advice they were released without punishment. The political chief set industriously about the task of reestablishing order instead of punishing the guilty. The truth is that most of the disturbers of both factions were temporarily across the Sabine and outside of the district.

As a finishing touch, B. W. Edwards, from the safety of the American side of the border, wrote another letter. The trouble had started with his letter to the governor, and he had written many letters during its course. It was fitting that he should pen one final missive. It was addressed to Colonel Ahumada and referred to the treatment the prisoners had received. "Your kind, your friendly and generous deportment towards my friends and fellow soldiers, while prisoners of yours," he wrote, "entitles you and the officers under your command to the expression of my thanks, and has insured to you and them a distinction in our hearts that will ever separate you from the rest of your countrymen who have oppressed us."

The manner in which Austin and the Anglo-Amer-

ican colonists had rallied to the support of the government in dealing with the Fredonian affair should have reassured Mexican leaders with respect to the colonization policy Mexico had adopted in Texas. But this aspect of the incident was lost sight of entirely in the general excitement which it caused, and the net effect of it was to increase the alarm which some Mexicans had begun to feel over the steady increase of American immigration. Moreover, the details of what was happening in East Texas were very slow in getting to the Mexican capital, and at the very moment that Saucedo was putting things in order in the Nacogdoches district, the Mexican congress was getting ready to repel an invasion from the United States.

For that was the interpretation of the revolt which immediately gained general belief in Mexico. It was an American conspiracy to take Texas by force! In the Mexican congress this charge was openly made, and on February 23 a bill was passed providing for measures to put down the revolt and appropriating five hundred thousand pesos for extraordinary expenses. Poinsett reported to Washington that the Mexican government proposed "to set on foot an expedition against the rebels in Texas that would have been sufficient to repel an invasion." President Victoria informed Poinsett that he did not believe the United States was concerned in the affair, but he expressed the hope the American government would officially disclaim connection with it. Obregon, the Mexican minister at Washington, called upon Clay, the American Secretary of State, for an expression as to the attitude of the United States, and

Clay very promptly assured him that the American government had not given the slightest encouragement to the Fredonians.

But the same could hardly have been said of the American press and of the American public. "The Fredonian revolt," says Nathaniel W. Stephenson, "was the sensation of the hour both in the United States and Mexico. American newspapers in 1827 teemed with reports of the 'Fredonian War'—the war of two hundred men against a nation—and with expressions of sympathy with the Fredonians. The American people, having in them the egotistic passion of the Lord's Annointed, saw nothing of the point of view of the Mexicans. Democracy, freedom of the individual, as Americans conceived it, was for them the supreme law. No delicate questions of legal right or of the political duty of the revolters were allowed to color the main theme. In the sharpest black and white the ardent Americans of 1827 pictured their kinsmen defeated in Mexico as apostles of democracy crushed by an alien civilization."

Obregon took note of all this, and in reporting Clay's disclaimer to his government, expressed the opinion that the American secretary of state told only the truth so far as the government was concerned, but that the sympathy of the American people with the insurgents was unmistakable. He saw danger ahead if the colonization policy was continued, and he suggested as the proper safeguard against it the closing of the Texas frontier against Americans!

At this point President Adams and Secretary Clay gave a singular demonstration of how little they under-

stood the situation and of what small appreciation they had of Mexican character. Poinsett's opinion that the American settlers in Texas would prove troublesome and that after some experience with them the Mexicans might be more willing to part with Texas was called to mind. The Fredonian affair had demonstrated the truth of the first half of that opinion, why would it not be a good idea to test the truth of the second half of it? The Americans in Texas had caused a critical diplomatic situation to develop between the United States and Mexico, in spite of the fact that the American government was wholly innocent of any complicity in the revolt. Would not such an occasion arise again, and might it not cause trouble between the two countries? If Mexico desired the establishment of permanent friendly relations between the two countries, could she not insure this by turning over these troublesome Americans to the United States?

"Impressed with these views," wrote Clay to Poinsett in March, "the President has thought that the present might be an auspicious period for urging a negotiation at Mexico to settle the boundaries between the two republics."

A less auspicious period could not have been chosen for such a delicate suggestion, and Poinsett was perfectly aware of it. He was very timid about urging anything of the kind, but the Mexicans left no doubt as to their feeling in the matter. A treaty of commerce had been negotiated shortly before and was now pending before the chamber of deputies for ratification. During the debate the question of the intentions of the United States with respect to Texas was raised, and it

was asked why the treaty of commerce should be completed before a treaty of boundaries had been negotiated. What stood in the way of a treaty of boundaries if, as Poinsett had said, the United States was willing to accept the boundary of 1819 unless Mexico was willing to change it? Accordingly the chamber adopted a resolution containing the following declaration:

"This chamber will not take into consideration the treaty which the government has concluded with the United States of America, until an article shall be inserted in it recognizing the validity of that which was entered into by the cabinet of Madrid, in the year 1819, with the government of Washington, respecting the limits of the territories of the two contracting parties."

Plainly, Mexico had no intention of surrendering Texas, either by treaty or through revolution of American colonists settled within the boundaries of the Mexican national domain. Poinsett, in the meantime, was becoming increasingly unpopular in Mexico. His connection with the Yorkino movement was common knowledge by this time, and the members of that party themselves were outspoken in the opinion that the American minister should not concern himself in the internal affairs of Mexico. The Escoceses, on the other hand, began to declare openly that he ought to be expelled from the country. The question was taken up in the state legislatures, and during the summer of 1827 resolutions were adopted by the legislatures of several states demanding that Poinsett be given his passports. Poinsett had a private interview with President Victoria about these resolutions and insisted that the president's attitude should be made clear by a public pronounce-

ment. Victoria, however, finding himself between two fires, and being unwilling to appear in a role that would be interpreted as pro-American, did nothing.

Finally, on December 23, 1827, a revolt, of which Nicolas Bravo, the vice-president of Mexico and leader of the Escoceses, was the real head, broke out at the village of Otumba, with the purpose of overthrowing Victoria's government. The demands of the revolutionists were passage of a law prohibiting secret societies, the dismissal of Victoria's cabinet, strict observance of the constitution, and the expulsion of Poinsett from Mexico. The revolt was quickly put down, and Poinsett stayed on. But it had given expression to anti-Americanism as a national issue, and in this it was a reflection of public opinion. The Fredonian war was as little understood by the Mexicans as by the people of the United States, for it was generally represented in the Mexican press as an uprising of Americans that had been put down by the Mexican authorities. That the majority of Anglo-Americans in Texas were opposed to the revolt, and had been chiefly responsible for its suppression was not generally understood. Nor was the official opinion that the United States was not a party to it accepted by most Mexicans. On the contrary, it was believed that the revolt had been fostered by the American government. The Mexicans, be it said, were quite as egotistic as the Americans, and it appealed to their vanity to think that the Mexican authorities in Texas had been able to repel a move by the giant of the north to seize Mexican territory.

In January, 1828, Poinsett again took up with the Mexican representatives the question of a treaty of

commerce, which the chamber of deputies had refused to ratify, and he was informed that it would be necessary, in order to insure ratification, for the United States to acknowledge the validity of the boundary fixed in the treaty of 1819. Poinsett agreed to this with such alacrity as to surprise the Mexican commissioners. But he suggested that it would be proper to put this in a separate treaty. The Mexicans consented to this arrangement, and accordingly on January 12, 1828, a treaty was signed recognizing the boundary of 1819. After citing the fact that the treaty of 1819 had been entered into when Mexico was a part of Spain, and that it was thus deemed necessary "to confirm the validity of the aforesaid treaty of limits," this new treaty declared:

"The dividing limits of the respective bordering territories of the United States of America and of the United Mexican States being the same as were agreed and fixed upon by the above-mentioned treaty of Washington, concluded and signed on the twenty-second day of February, in the year one thousand eight hundred and nineteen, the two high contracting parties will proceed forthwith to carry into full effect the third and fourth articles of said treaty."

The third and fourth articles of the treaty of 1819 defined the boundary line in detail and provided for the appointment of commissioners to make surveys and fix this line with more precision.

For the moment, therefore, the question of boundaries between the two countries was settled. It had been set forth again in a solemn treaty that the United States renounced forever "all their rights, claims, and pretensions to any territories lying west and south of the said

line." Texas, the land lying west of the Sabine river, was acknowledged to be Mexican territory. On April 28 this treaty was ratified by the United States senate, but, as shall be seen in due course, delays in the exchange of ratifications postponed its going into effect. However, for the present the matter was universally regarded as settled.

While this treaty was pending before the United States senate a certain distinguished Mexican gentleman was making a quiet tour of Texas. In connection with the negotiations looking to a treaty of limits and boundaries, Don Manuel de Mier y Terán had been appointed a commissioner to gather geographical and other material. Though the treaty was signed in the meantime, Terán proceeded to visit Texas in discharge of his commission. He arrived at San Antonio in March, and made a leisurely journey to the Sabine lasting into the summer, and noted carefully all he saw. He reported to President Victoria on other matters besides those pertaining to the boundary. He told something of the condition of Texas, pointing out that as he traveled east from San Antonio he was struck with the fact that Mexican influence became less and less as the American border was approached. He said that the ratio of Americans to Mexicans in the region was ten to one, and that the Mexicans were of the very lowest class. The Americans, he said, maintained an English school at Nacogdoches and sent their older children to the United States to be educated.

"Thus I tell myself," said Terán, "that it could not be otherwise than that from such a state of affairs should

arise an antagonism between the Mexicans and foreigners which is not the least of the smouldering fires I have discovered. Therefore, I now warn you to take timely measures. Texas could throw the whole nation into revolution."

CHAPTER XIV.

AUSTIN HANDS OVER REINS.

The troubles in the Nacogdoches district leading up to the Fredonian revolt supplied a striking object lesson of the importance of strict regularity in the issuance of land titles to settlers, and of the dangers arising from loosely constituted authority in territory subject to settlement by an empresario.

Austin's relation to his colonists from the beginning had been unique. In a very real sense to them he was "the government," for he was chief judge of the district in which his colony was situated, he was head of the militia and in practically all of their dealings with the government the colonists proceeded through Austin. But in addition to this, he was an empresario, like the other empresarios, and had relations with the settlers and new immigrants in that role, independent of his governmental relations. When trouble first appeared in the Nacogdoches district, Austin made up his mind to bring about a change in this situation as soon as possible. He wanted to be relieved of all his governmental duties and to place upon the colonists the responsibility of self-government. This could not be done completely until the final adoption of a state constitution, but he made a beginning toward shifting the responsibility to the colonists themselves in July, 1826, just when the trouble between the Edwards brothers and the government was reaching a head. On July 6 he issued a

proclamation, ordering each of the six alcalde districts in his colony to elect a representative to meet with him for the purpose of forming a new judicial system. The result of this was the creation of a supreme court, subsequently known as the court of alcaldes, which was composed of three alcaldes sitting in joint session at San Felipe. This court was given jurisdiction over appeals from Austin himself and from individual alcaldes directly to it, without passing through Austin's hands. This was a beginning of the process of transferring the responsibility of governing the colony to the colonists themselves, and Austin was resolved that the process should continue until he was entirely free of any connection with the government of the colony.

He was resolved also that, in settling colonists under his new contract, there should be no room for confusion of titles, and that the state government should assume full responsibility, through a properly constituted commissioner, for every title issued. He had written the state authorities on this subject, and incidentally called attention to the fact that some of his original colonists had not yet received titles because of Baron de Bastrop's absence in attendance at the legislature. The Fredonian controversy served to emphasize the importance of legal titles to lands, and the authorities at Saltillo now gave ear to Austin's insistence on this point. Gaspar Flores had been appointed commissioner for Austin's second colony, but he had not entered upon his duties, and meantime Austin had taken the position that he would not proceed until the commissioner was on the ground. On February 7, or just about the time that Saucedo was getting started with the delicate work of hearing griev-

ances in the Nacogdoches district and restoring confidence and contentment among the inhabitants, the lieutenant governor authorized Flores also to complete the business of Austin's first colony in Baron de Bastrop's place and to issue the remaining titles. Saucedo, while still at Nacogdoches, transmitted this order to Austin on March 19, and Flores began his duties in April.

The manipulation and even forgery of land titles at Nacogdoches, however, had served to emphasize the fact that it was not enough to issue titles, but that there should be a permanently preserved record of them. Austin concluded that it was necessary "for the future security of the settlers that the records should be placed in such shape as would render them less liable to be lost or defaced." For, in accordance with the mode of issuing titles, each one was on a separate and loose sheet of stamp paper, the original having been retained in the office as the record, and a certified copy issued to the owner of the land. "It is evident," said Austin, "that records kept in that way would be liable in time to wear out and be totally destroyed, even if they were not misplaced." In order to cure this situation, Austin wrote the governor on May 5, 1827, asking that an order be issued authorizing the transfer of all the records of the colony that were on loose sheets into a large bound register or record book. An order authorizing this was accordingly issued on May 31, the method of the transfer being minutely outlined, and it being required that each document recorded should be compared word for word by the government land commissioner, the empresario and the alcalde of the district, and that each should attest to the correctness of the copy with his sig-

nature inscribed in the presence of two witnesses. It was provided that documents thus transferred should have the same validity in law as the originals. In accordance with this order all of the titles already issued in the colony were thus transferred to the permanent record book, and thereafter every title issued within Austin's colony was recorded in like manner. It was in this way that Austin provided at the earliest opportunity against the irregularities which had arisen in the Nacogdoches district.

Meantime, the state constitution was completed by the legislature in March, and Austin now took steps to obtain his full release from responsibility for the government of the colony and to place it under constitutional government. The new constitution provided that an ayuntamiento or governing body must be established in towns which "of themselves or with the territory they embrace contain a population of one thousand souls." The colony came under this classification and, in the autumn of 1827, Austin went to Saltillo in person to urge the establishment of constitutional government within its limits. In accordance with this request, on November 17 the governor instructed the political chief of Texas to order an election of an ayuntamiento for Austin's colony, fixing its jurisdiction as the territory from the Lavaca to the watershed between the Trinity and the San Jacinto, and from the coast to the San Antonio road. The order provided that Austin should preside over the electoral assembly and install and administer the oath to the newly elected officers. On December 11 the political chief transmitted this order

to Austin and, under a call issued by the latter, the first constitutional election in the colony was held on February 3 and 4, 1828.

The election was held in each district under the direction of the existing alcaldes. The officials to be elected consisted of an alcalde for the whole jurisdiction, officially styled "the jurisdiction of Austin," two regidores and one sindico procurador—these four constituting the ayuntamiento. In addition to this, in the districts of Victoria and Mina a local comisario and a sindico were voted on. On one or the other of the days of election the voters gathered under the chairmanship of the district alcalde, elected tellers and a secretary, and then proceeded to choose their favorites by open vote. The voter called out the name of the candidate for whom he wished his vote to be recorded, or if he handed in a written list the secretary read the names aloud. Everybody thus knew for whom everybody else voted. In this way the first election was held throughout the colony—the jurisdiction of Austin—the election itself being preceded by a rather spirited campaign for the office of alcalde. There were those who wanted Austin himself to be a candidate for alcalde, but his purpose was to transfer the responsibility of government to the colonists themselves. He remarked that he had more important things to do in the interest of the colony than to spend so much of his time in the settlement of neighborhood quarrels over cows and calves.

However, he did take an interest in the election, being anxious that men should be chosen who would place the government of the colony on a sound and self-

supporting basis. He supported Ira Ingram for alcalde, Thomas M. Duke being Ingram's opponent. A majority of the colonists differed from Austin as to the better man of the two, and Duke was elected. A total of two hundred and thirty-two votes was cast, Duke receiving one hundred and twenty-one, and Ingram one hundred and eleven. Thomas Davis and Humphrey Jackson were elected first and second regidores, respectively, and Rawson Alley was elected sindico procurado. In the district of Victoria Thomas Barnett was elected comisario and John D. Taylor sindico. William Kincheloe was elected comisario in the district of Mina, and Amos Rawls sindico. The returns were transmitted to Austin, and on February 10, 1828, the alcaldes and election officials met with him at San Felipe de Austin, which now had come to be shortened to Austin, and to appear officially by that designation.

The minutes of the meeting, marking the beginning of constitutional government in the colony, open as follows:

"Town of Austin, capital of the jurisdiction of that name, in the department of Béxar, State of Coahuila and Texas, February 10, 1828. Citizen Stephen F. Austin, appointed on November 17 to hold the first municipal electoral assembly of the said jurisdiction—which order was circulated by the chief of the department on December 11, last—met with John P. Coles, James Cummins, Thomas M. Duke, Alexander Hodge and Humphrey Jackson, alcaldes; Alexander Calvit, Green B. Jamieson, Philo Fairchild, Thomas Barnett, Moses Morrison, William Kincheloe, Rawson Alley,

John Elam and Clement C. Dyer, tellers; Lawrence Richard Kenney, John D. Taylor, John Andres, Shubael Marsh and John R. Foster, secretaries. The lists of the electoral assemblies of the respective districts of the jurisdiction were opened, in conformity with the 3d article of the above superior order, and in fulfillment of the 100th article of the Regulation for the Administration of Towns, and the three general lists which said article 100 prescribes were formed." Then follows a record of the result in detail, and the various officers were duly declared elected.

"In virtue of the foregoing act of election," continue the minutes, "in which Citizen Thomas M. Duke was elected Alcalde, Citizens Thomas Davis and Humphrey Jackson were elected Regidores, and Citizen Rawson Alley as Sindico Procurador, and the said individuals having, under said act, taken the oath prescribed in art. 220 of the state constitution, proceeded to the installation of the Municipal Ayuntamiento of the jurisdiction of Austin. The persons aforesaid took their respective places presided by Citizen Thomas M. Duke, Alcalde, and having declared themselves as ready to proceed to the discussion and organization of the subjects more immediately connected with their formation, the Ayuntamiento was proclaimed to be duly installed and organized, and then proceeded to the discussion and decreeing the following subjects."

Thus was constitutional government established and the reins passed over by Austin to the newly organized ayuntamiento. He had been the official head of the government of the colony—almost the entire government, in fact—since August 9, 1823, on which day he

had been installed by Baron de Bastrop, who on that occasion had charged the colonists to "recognize said Austin, invested with said powers, and obey whatever he may order relative to the public service of the country, the preservation of good order, and the defense of the nation to which they belong." But in laying down the reins of government, Austin was by no means getting rid of the cares attendant upon the general oversight of the welfare of the colony. In the very nature of things he would still have remained the chief connecting link between the colonists and the superior government, even if the new officials had launched upon a vigorous prosecution of their duties. It was the plain truth that he had more important things to do in the interest of the colony.

The first duty which the new ayuntamiento faced was that of procuring a secretary and, inasmuch as this official must be skilled in the use of both Spanish and English, it was no easy task. Samuel M. Williams, employed by Austin as secretary of the colony, declined to accept the appointment, but agreed to act until another could be found. Another was not found very soon and, at a great sacrifice, Williams acted in the capacity of secretary throughout most of the colonial period.

The alcalde was the executive head of the ayuntamiento and of the jurisdiction which it governed; he was chief judge of the district, with final jurisdiction in cases involving amounts up to ten dollars and, acting with a representative of each side of a suit, final jurisdiction up to one hundred dollars, and preliminary jurisdiction in all other cases; and finally he was the

official representative of the colony in communication with the superior government and other municipalities. The regidores were something like modern city commissioners, and the sindico was the notary and attorney of the municipality. The district comisario was a local justice of the peace, with certain administrative functions, and the district sindico performed the same duties as the municipal sindico within the limits of his jurisdiction. These local officials, of course, were under the authority of the ayuntamiento.

The routine duties of these officials undoubtedly were performed in a manner efficient enough to insure the security of property, the protection of life and the preservation of the peace. To "frontier republicans," such as made up the bulk of the population of the colony, men chiefly engaged in farming their own land, raising their own livestock and attending to their own business generally, this sufficed. It is not to be wondered at, perhaps, that they had little concern for "civic improvements," even for such essentials as a courthouse and jail. They were notoriously impatient of paying taxes, and undoubtedly the members of the new government knew their constituents well. In any event the officials were very timid about levying taxes, and even more timid about collecting them. The municipality, therefore, was continually short of funds, and until 1832 it was even without a jail.

In such a situation, no matter how much he might wish to do so, Austin could not escape concerning himself about the affairs of the municipality. In November, 1829, in an address to the colonists explaining

certain matters connected with the history of the colony which required explanation in the interest of the public welfare, Austin wrote as follows:

"It is well known that up to February, 1828, the labor and expense of the local government fell principally on me individually, and that since that period all the Spanish part of the labor has fallen on Williams and myself, without any compensation. It is also well known that the translating and other duties connected with the local government are sufficient to occupy all the time and attention of a secretary. Since February, 1828, I have held no office which imposes any other duty on me to aid or interfere in the local civil government than what belongs to any other citizen. As a citizen, I advised the ayuntamiento of 1828 to resort to a municipal tax; that body thought it would be unpopular, and feared to move. I repeated the advice to the ayuntamiento of 1829, and strongly urged the vast importance of giving respectability, system, and permanency to the local government by the creation of funds and the erection of public buildings; as a friend of the settlers, I again repeat the same advice. The municipality is without a jail, a house for public use, or a place to keep records in; and it is also without a secretary, when it is well known that all its official business must be transacted in Spanish, and that not one of the municipal officers understands one word of that language. For two years past the business of the ayuntamiento has been done for it, and not by it, and an excessive burden has thus been thrown upon the liberality of others. I have before stated that all the land records would shortly pass from my hands to the alcalde

and ayuntamiento; perhaps I ought to be more explicit and state distinctly that it is, and for some time past has been, my wish and intention to withdraw, as soon as the welfare of the colony will permit, from every kind of public charge, either direct or indirect. This course is rendered necessary by the state of my health, which is perceptibly declining, and also by the embarrassed situation of my private affairs, which will require more of my time and attention than I have heretofore been able to devote to them. These considerations may, perhaps, have caused too much anxiety to see our local government placed on a more respectable and systematic basis than it is at present. I may have wished to accelerate matters more than the resources of the country will admit, and been too far influenced by an excess of zeal for what I considered to be the general welfare. My motives, however, were good, and had no other object in view than general utility; and I must be permitted to say this colony is abundantly able to support its local government with decency and energy. . . . For eight years I have endeavored to be a faithful servant to this colony; it ought not to be supposed that I am to be its slave for life. Owing to my exertions when at the seat of government, in 1827, the local government of this municipality was placed exclusively in the hands of the people sooner than it otherwise would have been, and all that I now ask is that they will provide the necessary means of administering it for their own welfare."

All of which shows clearly that the transfer of the responsibility for the government to the people of the colony did not relieve Austin altogether of the necessity

of performing public services constantly. As a matter of fact he remained a public servant to the last, whether holding any official position or not, and more than half of the seven years he lived after he wrote the above quoted lines were devoted exclusively to the public service.

The first ayuntamiento enacted only two measures that might be regarded as of importance. One was the drafting of the "Municipal Ordinance for the Government and Regulation of the Ayuntamiento of Austin," which set forth the rules and regulations of procedure of that body, defined the duties of the various officers, and provided for a system of license fees and taxes. The other was the adoption of a memorial to the state government asking for the passage of a law guaranteeing contracts entered into by "emigrants to this state or inhabitants of it with the servants or hirelings they introduce." The purpose of this was to evade the provision of the state constitution prohibiting the further introduction of slaves into the state, the effect of which was beginning to be felt. The state constitution provided that the immigration of slaves should be prohibited after six months from the date of promulgation of that document, and that in future the children of slaves born within the state would be free. This meant, of course, that there was no disturbance of the property rights of the owners of the slaves already in the state, nor of those who might introduce slaves during the six-month period. The six months had elapsed, however, and as the most desirable class of colonists would be excluded in the future if

immigrants from the southern states could not bring their slaves along with them, the method had been devised of having the slave make a labor contract with his master before entering the state. Such contracts set forth the amount which the master had paid for the slave, and divided that amount into annual payments of wages calculated so as to require the probable remaining years of the slave's life to exhaust the full amount. The slave agreed to serve the master in consideration of these wages until the full amount had been paid, and also to add the cost of his food and clothing. Provision was also made for the children of slaves by a like device.

It was necessary, however, to make sure these contracts could be enforced by law for an immigrant to feel certain his property was safe in Texas. The situation had begun to affect immigration unfavorably, and the ayuntamiento passed the following resolution:

"Considering the paralyzed state of immigration to this jurisdiction from the United States, arising from the difficulties encountered by immigrants in bringing servants and hirelings with them, this body conceive it to be their duty to propose to the Legislature of this state, through the Chief of the Department, a project of a law whereby immigrants and inhabitants of this state may be secure in the contracts made by them with servants or hirelings in foreign countries, which project the president will make out in the following terms, to wit: 'Are guaranteed the contracts made by immigrants to this state or inhabitants of it with the servants or hirelings they introduce,' and solicit the said chief

to forward it on to the Legislature with such additional influence as he may think proper to attend to it."

As a result of this request, the legislature passed a bill, on May 5, legalizing such contracts, so that this check to immgration was removed.

One effect of the establishment of constitutional government in the colony was to bring the colonists into closer touch with the politics of the country. They were no longer merely "colonists" or "settlers," but full-fledged citizens of the jurisdiction of Austin, department of Béxar, of the free, independent and sovereign State of Coahuila and Texas. As such they would participate in the elections to name the electors who would cast the vote of the department for the various state officers, the members of the state legislature, and of the federal congress. The presidential election of 1828 was approaching, and the legislature named at the next electoral gathering would cast the vote of the state for its choice for president.

The first constitutional president, Victoria, was nearing the end of his term. The experiment of republicanism apparently was succeeding. There had been some disturbances during his term of office, and one formidable attempt at revolution, but the latter had been put down without difficulty. The second presidential election was now at hand.

As has been said, the country had divided up between two political parties under the banners of the two branches of Masonry. They were, roughly speaking, the centralist and the federalist parties, the Escoceses being chiefly centralists and the Yorkinos being fed-

eralists. The fact that the constitution of 1824 had settled definitely that the form of government was to be federal republican did not dispose of the question for many of the leaders of the centralists, who could not become reconciled to the idea of "free, independent and sovereign states." To no group of citizens in the whole Mexican federation, however, was this question of such importance as to those of the "jurisdiction of Austin." Stephen Austin had recognized from the first the importance of obtaining for Texas as much of local self-government as possible, and it was for this reason that he had used his influence with the federalist leaders to have Texas attached to Coahuila as a state instead of being made a territory, like New Mexico and California.

The Yorkino party was the party of republicanism and was composed of the men chiefly responsible for the form of the constitution of 1824. It was the natural party of the Anglo-Americans, and as a matter of course they were all supporters of the Yorkino cause. In addition to this, Stephen Austin was a York Rite Mason, a member of St. Louis Lodge No. 3, and there were a number of other York Masons among the colonists, including both of the candidates for alcalde in the first election. One of the first acts of the leaders among the colonists, therefore, following the establishment of constitutional government in the colony, was to take steps to form a York lodge. The ayuntamiento, as has been seen, was officially installed on February 10, 1828. The very next day, on February 11, Austin and a number of the leading colonists met at San Felipe

for the purpose of applying for a charter. The minutes of this meeting, signed by H. H. League as chairman, and Thomas M. Duke as secretary, follow:

"At a meeting of Ancient York Masons, held in the town of San Felipe de Austin, on the 11th of February, 1828, for the purpose of taking into consideration the expediency of petitioning the Grand Lodge of Mexico for granting a charter or dispensation for organizing a subordinate lodge at this place, the following Brethren were present: Brothers H. H. League, Stephen F. Austin, Ira Ingram, Eli Mitchell, Joseph White, G. B. Hall and Thomas M. Duke.

"On motion of Brother Stephen F. Austin, and seconded, it was unanimously agreed that we petition the Grand York Lodge of Mexico for a charter or dispensation to organize a lodge at this place, to be called the Lodge of Union. On balloting for officers of the lodge, the following Brothers were duly elected: Brother S. F. Austin, Master; Brother Ira Ingram, Senior Warden; Brother H. H. League, Junior Warden."

It is significant that the name chosen for the lodge was "the Lodge of Union." The slogan which Austin had proposed in the movement against the Fredonians had been "Mexico and Union," and expressed opposition to the detaching of territory from the Mexican federation. "Union under the Constitution of 1824" supplies a key to Austin's whole point of view, and explains his course throughout the disturbed period leading up to independence. It was especially fitting, therefore, that the name of this lodge should embody this sentiment.

It will be seen presently that the project of obtaining a charter for a lodge was subsequently permitted to die out because of the course of events in Mexico, but the meeting reflects the political sentiment existing among the Anglo-American colonists at this time. As a matter of fact, from this point forward political conditions in Mexico became such as to make any active participation in the affairs of the republic by the Anglo-American citizens extremely difficult. However, the circumstance that Victoria had managed to serve through his full term gave the impression at the time that Mexico was making unusually good progress toward establishing and maintaining a federal republican government.

As the election of 1828 approached it became apparent that the nominal division between the Yorkinos and the Escoceses would not decide the result. Victoria's secretary of war, Don Manuel Gómez Pedraza, had made the most of the political possibilities of the Bravo revolution. He promptly suppressed it, to be sure, but instead of shooting the leaders of the revolt, as the extreme Yorkino leaders expected him to do, he contented himself with banishing them, thus making a good stroke of practical politics. The Escoceses could not put forward candidates in their own name, but Pedraza now became a candidate for the presidency, and besides the support he drew from the moderate Yorkinos, he attached the Escoceses to his cause almost to a man. The regular Yorkino candidate was Gen. Vicente Guerrero, an uneducated half-breed Indian, who had been one of the popular heroes of the revolutionary period, and who had received the same number

of legislative votes for vice-president as Bravo in 1824. He contrasted sharply with Pedraza as a candidate, the latter being of Spanish blood, well educated, and altogether a polished gentleman. Moreover, during the Spanish regime, Pedraza had been an uncompromising opponent of revolution.

The election was held and Pedraza was elected. Ten state legislatures voted for him and eight for Guerrero. The State of Durango refrained from voting. Whereupon there stepped into the limelight for the first time a man who was to play a dominating role in the affairs of Mexico—Gen. Antonio López de Santa Anna. The result of the election was scarcely known when a small force of troops under the command of Santa Anna at Jalapa marched against the fortress at Perote, captured it, and issued a pronouncement declaring the election illegal and denouncing Pedraza as a secret enemy of his country. Santa Anna contended that in voting for Pedraza the legislatures had ignored the wishes of their constituents. He proposed, with the aid of the army, to compel the legislatures which voted for Pedraza to rescind their action and to have Guerrero declared President. He also demanded the enactment of a law expelling all Spaniards from the country.

In order to appreciate the full significance of Santa Anna's platform, it is necessary to understand that Spain continued to regard Mexico as a Spanish colony, and that plans had been under way for some time to send a Spanish expedition to reconquer the country. There had been more than one demand for the expulsion of Spaniards, and it was strongly suspected that certain parties in Mexico were intriguing to prepare an up-

rising in favor of Spain, for which the landing of Spanish troops on the coast was to be the signal. Pedraza had been a royalist before the revolution and a friend of Iturbide; he was of Spanish blood and, whether there was any basis for the charge or not, Santa Anna hinted that he desired the restoration of the Spanish power in Mexico.

Santa Anna's platform was one well calculated to be popular, but the support he expected did not come promptly. On the contrary, congress immediately declared him an outlaw and a force was dispatched to capture him. Santa Anna withdrew to Oaxaca, Guerrero's old stamping ground, and thus eluded his pursuers. Several weeks passed, and it began to appear that the whole incident was closed when, on the night of November 30, a party of Guerrero's friends seized one of the prison buildings in Mexico City, converted it into a fortress and, after several days of street fighting, obtained complete control of the city. Victoria capitulated to the insurgents and thenceforth did their bidding. Pedraza was compelled to resign from the cabinet, and Guerrero was made secretary of war in his place. Pedraza then renounced all claims to the presidency and went to England. Throughout the country there were pronouncements in favor of Guerrero for president and demands for the expulsion of Spaniards. In this situation, the same congress which a few months before had declared Santa Anna an outlaw, now proclaimed Guerrero to be the duly elected president of the republic.

It was amid such scenes that the administration of Victoria came to an end. Today it is clear that from

that moment was demonstrated the complete inability of the Mexicans to maintain a republican form of government. The support of the army was more important than the support of the people, and the presidency became a prize to be sought through influence with the military leaders. That was not so evident at the moment, for the suspicion of Pedraza, and the outcry against Spaniards, gave a semblance of justification for armed action. It was, however, the beginning of a condition of affairs which is familiar to all today, a condition of politics entirely alien to the Anglo-American point of view, and under which Anglo-Americans could not live very long.

Guerrero, the candidate who had been defeated in the election, was inaugurated on April 1, 1829. Before handing over the office, however, Victoria issued a proclamation of general amnesty, including in its provisions all who had participated in the disturbances in the capital and in different sections of the country. This included also Gen. Antonio López de Santa Anna, and events were shortly to occur that would make him the national hero of the moment.

CHAPTER XV.

IN TEXAS TO STAY.

"From having been reared among them," writes Guy M. Bryan, nephew of Stephen Austin, "I can say truthfully that I never knew anywhere, as a class, better men and happier communities than were found in the colonies of Austin."

All contemporary accounts based upon actual knowledge agree with this estimate. Bryan came to Texas in 1831, when his mother, Austin's sister, migrated from Missouri, together with her second husband, James F. Perry, and her two sons. But his description of the colonists applies to conditions existing for three or four years prior to his arrival.

Austin's dream of "redeeming Texas from its wilderness state by means of the plough alone" was being realized. Between 1825 and 1830 the families which came in a constant stream from all sections of the United States, but chiefly from the southern states, were of a very high character. Before 1830 the several settled communities which had sprung up in the territory included in the "jurisdiction of Austin" began to develop their own peculiar social standards. "They came to better their condition," says Bryan, "to obtain land for themselves and families in a new and uninhabited country." They got the land and founded homes and then proceeded to create community life. "Some of the colonists," continues Bryan, "subdivided

their lands, selling the same to enable others to settle among them, and thus the colonies of Austin rapidly populated and improved under his judicious and parental government." Newcomers were welcomed, and if they seemed desirable colonists, all joined to make them feel at home. An article published in *The Family Magazine* in the United States, written by a traveler who made a tour of Texas about this time, particularly emphasizes this point.

"Those who have settled in Texas a few months," says this writer, "really enjoy more comforts (and these in addition to the opportunity of possessing a handsome property) than any other peasantry with which I am acquainted. One act of liberality and hospitality which is constantly practiced by all his neighbors toward a newcomer, whose character is found exceptionable, would do honor to the most highly civilized people. They all assemble at the spot which he has fixed upon as his residence, with their axes and draught-oxen, fell the timber, and build for him his log-hut. This generally consists of three apartments, one for sleeping, another for eating, both closed in all round, while in the center, which is left open on both sides, he keeps his saddles and tools, and takes his meals during the hot weather. . . . The log-hut is by no means an inconvenient residence; indeed, some of them are roomy, neat, and durable, very strong, and well calculated to afford protection from every inclemency of the weather."

"The newcomers who had not yet procured cattle," says another witness, W. P. Zuber, an early settler, "were supplied with milk and butter by the voluntary

loan of cows. No man whose neighbors had meat and bread suffered from hunger. Working tools, of which no family for a long time had a full supply, circulated by loan, as common property."

This cooperation was not confined to newcomers, however. It became the settled habit of these young communities, and a mutual helpfulness took on the character of a social convention. "If a settler was weak-handed in making his improvements," says Bryan, "or in log-raising or log-rolling, in ploughing or cultivating his crop, ample gratuitous aid was at hand, and no one suffered for want of this aid." So it was that they all prospered, for in very truth they bore one another's burdens so that they fell heavily upon the shoulders of none. "All were landholders," says Bryan, "and were, or expected to be, householders . . . and owners of cattle, horses and hogs. . . . Nowhere was a pauper to be found, and rarely a thief. There were no locks, and the latch-string ever hung out. . . . If the great object of a man in this life is contentment, and to live in a society where each one respects the rights of the other, having the largest share of freedom of thought and action, nowhere has it been realized more thoroughly than among these intelligent, contented, honest, hospitable, self-supporting communities."

Such a society would inevitably develop standards in keeping with this economic foundation. Isolated from the rest of the world—for a wilderness separated them from the United States on the one hand and the interior of Mexico on the other—they settled down to the business of living together in mutual helpfulness, which, after all, is the very essence of civilization, and their

pursuits, their industries, their amusements and social institutions developed accordingly, within the limits of the means at hand and in keeping with their environment.

"All were industrious," says Zuber, the early settler already quoted. Austin had made this characteristic a required qualification for entering the colony, and his insistence upon this point had borne fruit. "The wilful non-payment of a just debt was regarded as no better than theft. To sue an honest but unfortunate debtor, who was not able to pay a debt, was condemned as an outrage. The wilful non-compliance with a promise was an intolerable disgrace. . . . The promises of most persons were given and accepted as their most binding obligations."

"Socially," says Bryan, "all were on an equality, merit being the only distinction. There were men of education, ability, and superior qualifications among them; the great majority were intelligent, practical, useful, industrious and moral. There were among the women the refined, cultured and accomplished, and as a class they all understood the duties and requirements of their situation, possessing in a high degree the best qualities of wife, mother, daughter and sister; cheering the men in their varied duties, softening their manners and rough experiences." It is indeed true that men of education and ability were early among the immigrants to Texas. David G. Burnet, destined to figure prominently in Texas affairs, came in 1826; Robert M. Williamson, for a long time the leading lawyer of the colony, and popularly known as "three-legged Willie," because he was one-legged and used a crutch, came in 1827; Gail Bor-

den, who in after years gained world-wide fame for his invention of condensed milk, joined his brother Thomas, one of the "old three hundred," in 1828; William H. Wharton, a brilliant lawyer, came from Nashville in 1829; William T. Austin, a brother of John Austin, who had been in the colony since 1823, arrived in 1830; and a great many others—lawyers, doctors, school-teachers, newspaper writers, and especially surveyors—flocked to this land of promise, where the growing population was creating a demand for their services. Among the surveyors and civil engineers who migrated early were James Kerr and Francis W. Johnson, both arriving in 1826, the former as the official surveyor for Green DeWitt's colony, and the latter to offer his services wherever they might be needed. Both became prominent men among the colonists, Johnson being elected alcalde of Austin's colony in 1830.

The amusements of the colonists were such as might be expected among such people in such surroundings. There were many occasions which supplied opportunity for social recreation. Whenever there was a neighbor's house to be built or repaired, or other work to be done which called for cooperation, and the men gathered for that purpose, the women and young girls came, too, not only to prepare food, but to participate in the fun which would be bound to follow when the work was done. On such occasions there would be dancing and games and other innocent amusements. Picnics and hunting and fishing parties were not infrequent. "We frequently make up parties of men, women and children," wrote one settler to "the States," "and start out

on hunting or fishing expeditions, and are gone for several days. These excursions are very pleasant." And another observer says, "It is not uncommon for ladies to mount their mustangs and hunt with their husbands, and with them to camp out for days on their excursions to the seashore for fish and oysters. All visiting is done on horseback, and they will go fifty miles to a ball, with their silk dresses, made perhaps in Philadelphia or New Orleans, in their saddle-bags."

"Sunday was a day of visiting," says Bryan, "and to ride five or ten miles on horseback, take dinner and spend the day with families, was the custom. Their religion was only in the family circle, where there were readings, prayers and singing. The Roman Catholic was the legal religion, but the colonists at home kept the faith of their fathers, and did nothing to provoke censure of the established church or government."

"The colonists," he continues, "had their amusements of balls, and parties, and neighborhood gatherings for athletic exercises, fishing, picnics, horse-racing, rifle-shooting, mustang-catching, story-tellings of their trading, surveying, hunting, and Indian expeditions."

There were amusements of a rougher sort for men, of course. There was some "hard drinking" at times, and card playing was an almost constant occupation of idle hours. Francis W. Johnson tells of his first visit to San Felipe, for example, as follows: "We visited the store, owned and kept by Stephen Richardson and Thomas Davis, both good and true men. Their stock consisted of two or three barrels of whiskey, some sugar, salt and a few remnants of dry goods, in value not

exceeding five hundred dollars. Here we found a number of the lords of Texas. They seemed to be enjoying themselves; some were engaged in a game of 'old sledge' or seven-up at cards; others drinking whiskey, eating *pelonce* (Mexican sugar) or pecans; and all were talking. We were kindly received and soon felt ourselves at home." Smithwick says that the stakes were never very high in the card games, for actual money was scarce, especially small coins. To meet the need of "change," he says, it was not an unusual thing to cut a Mexican silver dollar into four pieces, thus providing four quarters, which passed current without question.

Smithwick tells also of other parties among the men. "There being little opportunity for social intercourse with the gentler sex," he says, "the sterner element should not be too severely censured if they sought diversion of a lower order. And if our stag parties were a bit convivial, they would probably compare favorably in that regard with the swell club dinners in the cities. Godwin B. Cotten was the host in many a merry bout; love feasts, he called them. Collecting a jovial set of fellows, he served them up a sumptuous supper in his bachelor apartments at which every guest was expected to contribute to the general enjoyment according to his ability. Judge Williamson (three-legged Willie) was one of the leading spirits on these occasions. Having a natural bent for the stage, Willie was equally at home conducting a revival meeting or a minstrel show, in which latter performance his wooden leg played an important part; said member being

utilized to beat time to his singing. One of his best choruses was,

> " 'Rose, Rose, my coal-black Rose!
> I nebber see a nigger dat I lub like Rose,'

a measure admirably adapted to the banjo, which he handled like a professional.

"Some sang, some told stories and some danced. Luke Lesassier, a Louisiana Frenchman, and by the way a brilliant lawyer, was our champion story teller, with Cotten and Doctor Peebles (Dr. Robert Peebles) worthy competitors. I, being reckoned the most nimble-footed man in the place, usually paid my dues in jigs and hornpipes, 'Willie' patting juba for me."

Smithwick gives a description of two or three weddings he attended, which supply a vivid picture of such affairs, which seem to have been the biggest social events in the colony. One of these was the marriage of Nicholas McNutt and Miss Cartwright. "There was a large number of invited guests," he says, "both the families occupying prominent social positions. Jesse Cartwright, father of the bride, was a man in comfortable circumstances and himself and family people of good breeding. They were among the very first of Austin's colonists. . . . The bridegroom was a son of the widow McNutt, also among the early arrivals. The family, consisting of mother, two sons and three young daughters, came from Louisiana, where they had been very wealthy, but having suffered reverses they came to Texas to recoup their fortunes. Bred up in luxury, as they evidently had been, it was

a rough road to fortune they chose, but they adapted themselves to the situation and made the best of it. . . . But to get back to the wedding. Miss Mary Allen, daughter of Martin Allen, a very pretty girl and a great belle by the way, was bridesmaid, and John McNutt, brother of the bridegroom, was groomsman. There being no priest in the vicinity, Thomas Duke, the 'big alcalde,' was summoned from San Felipe. The alcalde tied the nuptial knot in good American style, but the contracting parties had in addition to sign a bond to avail themselves of the priest's services to legalize the marriage at the earliest opportunity.

"The first and most important number on the program being duly carried out, the next thing in order was the wedding supper, which was the best the market afforded. That being disposed of, the floor was cleared for dancing. It mattered not that the floor was made of puncheons. When young folks danced those days they danced; they didn't glide around; they 'shuffled' and 'double-shuffled,' 'wired' and 'cut the pigeon's wing,' making the splinters fly. There were some of the boys, however, who were not provided with shoes, and moccasins were not adapted to that kind of dancing floor, and moreover they couldn't make noise enough, but their more fortunate brethren were not at all selfish or disposed to put on airs, so, when they had danced a turn, they generously exchanged footgear with the moccasined contingent and gave them the ring, and we just literally kicked every splinter off that floor before morning. The fiddle, manipulated by Jesse Thompson's man Mose, being rather too weak to make itself heard above the din of clattering feet, we had in another

fellow with a clevis and pin to strengthen the orchestra, and we had a most enjoyable time."

An incident related by Smithwick in connection with the marriage of Brown Austin, Stephen's brother, and Miss Westall, illustrates the inconvenience which resulted at times from the provision of the law that all marriages must be performed by a priest. "Anxious to show due respect for the law of the land," says Smithwick, "Austin had notified Padre Muldoon to be on hand; but the priest's residence being in San Antonio, and the distance and mode of travel rendering intercourse uncertain, the padre failed to arrive at the appointed time." The wedding, therefore, had to be delayed.

For several years, before a priest was regularly settled in the colony, the practice was to have a ceremony performed by the alcalde, the parties signing a bond to obtain the services of a priest at the earliest opportunity. Then when the priest did make a visit to the colony, there would be a general wedding of all the couples that had married in the meantime.

This was only one of the peculiar provisions of Mexican law to which the colonists had to conform. Another had to do with the trial of capital offenses. A man charged with murder, for example, could not be finally convicted and sentenced in the colony. A hearing was given the accused and a verdict reached, but a transcript of the whole proceeding had to be sent to Saltillo for final disposition. As there was no jail in the colony, there being only occasional need of one, it became necessary to provide special means to keep the prisoner in custody while the slow processes

of Mexican law finally disposed of the case. In such cases, the village blacksmith was mustered into service to put the prisoner in irons, and some citizen was hired to provide food for him and keep him under guard. In more than one instance this led to the escape of the prisoner.

The "celebrated case" of the colonial period had a sensational climax because of this arrangement. A man named Early passed through San Felipe on his way to the interior of Mexico to buy mules. He was accompanied by a traveling companion, who had picked a casual acquaintanceship with him, and who gave his name as Parker. They lingered at San Felipe for a few days, and while there Early purchased a mustang from William Cooper, of Cooper & Cheaves, proprietors of the "saloon and billiard hall." Riding this animal, Early started for San Antonio, accompanied by Parker, and that was the last time Early was seen alive.

Some time after this, Noah Smithwick, who had been working at San Antonio as a blacksmith, returned to San Felipe, riding the identical mustang Cooper had sold to Early. Cooper recognized the pony immediately and asked Smithwick how he came into possession of it. Smithwick had purchased the pony from "Mustang" Brown, who made a business of catching and breaking mustangs, and who had found it running wild with a number of others. Luckily for Smithwick, the transaction had taken place in the presence of two witnesses. Moreover, Smithwick and these two men had met Parker on the road going in the direction of San Antonio, but Early was not with him. All this he told Cooper. The question which naturally arose in everybody's mind was

what had become of Early. It was known that he had had money on his person, for he expected to buy a number of mules in Mexico. Therefore, suspicion that Parker had killed Early and robbed him soon became general.

This suspicion was converted into a conviction when persons returning from San Antonio reported that they had seen Parker there, and that he was gambling and spending money freely. But San Antonio was three hundred miles away, and it began to look as though nothing would be done. Then one day, all unconscious of the turn events had taken, Parker returned to San Felipe. Smithwick's purchase of the mustang from Brown had taken place after Parker had met him, so the latter was not aware that Early's pony had been found. When questioned, he said that Early had gone on into the interior of Mexico. Confronted with facts which conflicted with his story, however, he finally broke down and confessed that he had killed Early, robbed him and squandered the money at San Antonio. He had hidden the body, he said, in a hole in Plum Creek, and had turned the mustang loose. A search was made and Early's body and his saddle, bridle, blankets and saddlebags were found at the point indicated by Parker.

But this was not all the accused man told in confessing to the alcalde. He said that Parker was not his real name, that he was the son of the governor of a southern state, and had come to Texas to escape punishment for a murder committed there. The case was well known, for, after exhausting every other means of saving his son from the gallows, the governor had

pardoned him and resigned his office. The murderer then fled from the state to avoid being lynched. He had fallen in with Early and came on to Texas with him. After leaving San Felipe he had taken the first opportunity to kill him.

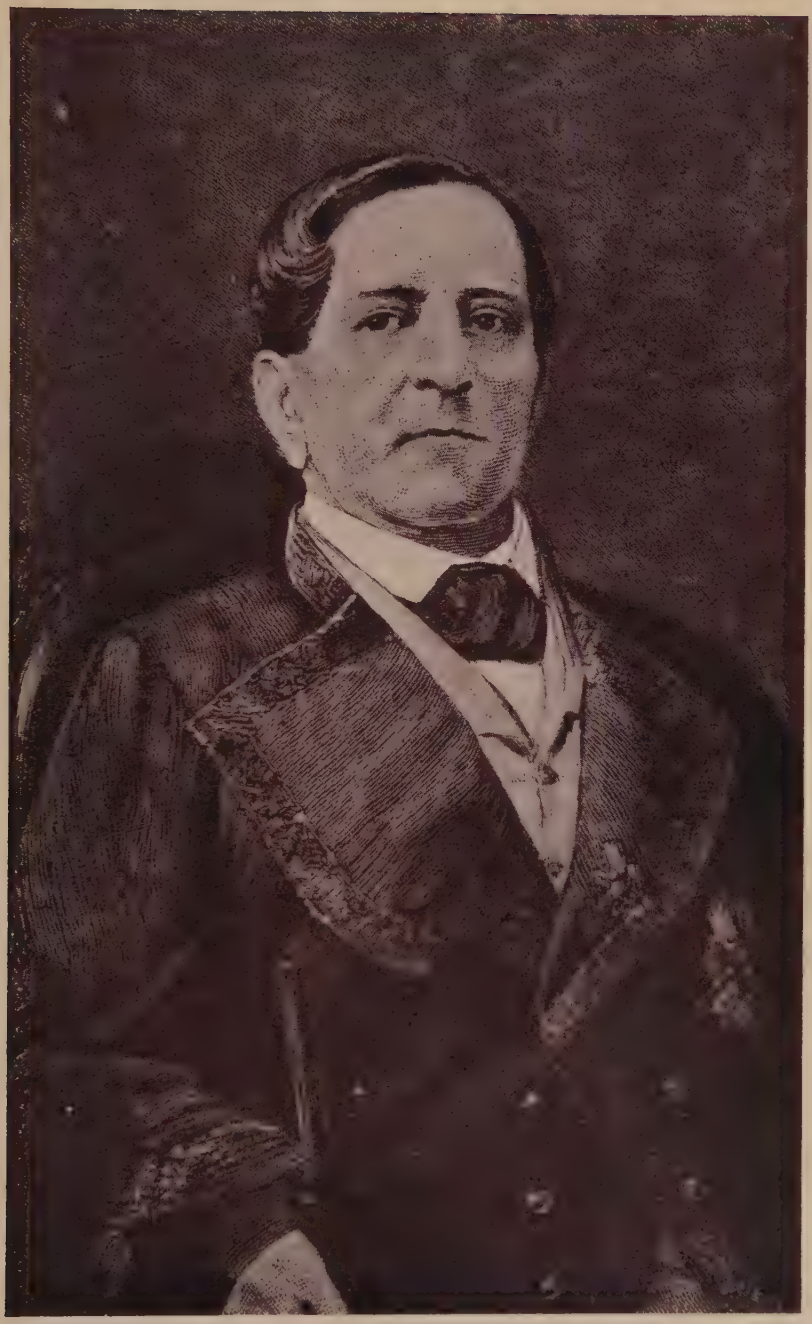
The testimony in the case, in accordance with the law, was transmitted to Saltillo, and in the meantime Parker was placed in irons and given into the custody of an old man in the colony. Before any return was made, Parker apparently became ill, and finally the old man who had him in charge reported that he had died, and forthwith proceeded to prepare the body for burial, assisted by his negro servant. There was no coroner, and the burial was unattended by any official proceeding. "Everybody was satisfied," writes Smithwick in relating the story, "and the incident was almost forgotten, when a citizen of San Felipe, having business in Mobile, Ala., met and talked with Parker in the flesh. On returning to San Felipe he reported the meeting; the coffin was exhumed and found to contain a cottonwood chunk which, when green, was about the weight of a man." According to Smithwick, Parker had worked upon the sympathies of the old man "with a pitiful story of persecution, from which he was trying to escape to Mexico; of a quarrel with Early, whom he was forced to kill in self-defense, and thus prevailed on his kind-hearted jailor to assist him in his escape."

A sequel to these events developed years later when a representative of the American government wrote to the leading newspaper of Parker's native state that he had discovered a half-breed missionary in Hawaii who, upon investigation, proved to be the fugitive's son.

Parker evidently had resumed his family name after leaving Texas, and the name, being an unusual one, attracted the American official's attention and led to the identification of the son. The father had died in Hawaii some years before.

There was at least one other instance of a prisoner escaping while being held in irons at San Felipe, but in that case the fugitive was pursued and killed. The fact that despite the cumbrousness of this arrangement the colony was for years without a jail throws much light on conditions prevailing. The truth is that capital offenses were rare, for bad characters were not permitted to remain within the limits of the jurisdiction of Austin. The colonists themselves were law-abiding, for the most part, so that the need of a jail was not felt. They were all engaged at the task of establishing homes for themselves and of furthering their own fortunes. Such offenses as they committed were venial in character, and were disposed of without much trouble.

All that has been said here of the life of the colonists applies especially to those under the jurisdiction of Austin. Much of it would apply also to the routine of the lives of the colonists in East Texas under the jurisdiction of Nacogdoches, but in Nacogdoches itself and to a very great extent in "the Redlands," between that town and the Sabine, conditions were radically different. An ayuntamiento was established at Nacogdoches shortly after the adoption of the state constitution, and as settlers continued to come into the country the general character of the population improved. But Nacogdoches itself remained the "gamblers' heaven," and the "Redlands" continued to be the habitat of "bad



ANTONIO LOPEZ DE SANTA ANNA.

men" corresponding to the "border ruffians" of an earlier date. The influx of settlers seeking only a home in the new country gradually put this element in the minority, but conditions continued to be bad. There was a jail at Nacogdoches, but the local administration still suffered from the same influences which had surrounded it during the time of Hayden Edwards. Therefore, a murderer like Parker, where guilt was so definitely clear, would likely be strung up to the nearest tree in that section, for it was the only way the better element could handle the criminals who were constantly crossing the Sabine from the United States, to say nothing of the crooks of various kinds who made Nacogdoches their headquarters.

The state government was not altogether guiltless of the situation in that section, for it did not take a sufficiently determined course in dealing with the element which was opposed to the new colonization movement, so far as it involved the granting of valid titles to the land in the district. Two empresarios who succeeded to the Edwards grant, being without funds to handle the business properly, sold out to a New York company of speculators, the methods of which became a public scandal. In consequence the settlers who moved into the district during the period following the Fredonian affair were still without legal titles to their lands, and certain parties in Nacogdoches continued to commit petty land frauds. It was an intolerable condition to the honest settlers, who were soon in the majority, but it was permitted to go on unremedied, a circumstance which reacted against the Mexican government in the end, for it gave the settlers

no reason to feel any obligation or sense of loyalty to Mexico, and every reason to desire separation from that country.

Austin was deeply concerned over this situation, for he recognized that it was the condition existing in the district which had led up to the Fredonian revolt, and he feared that if that condition was permitted to continue it might breed more trouble. He therefore urged upon the state government the importance of appointing a land commissioner for the Nacogdoches district, and of issuing titles to the settlers. In response to this the state government finally acted, in 1829, and appointed Juan Antonio Padilla as land commissioner and Thomas Jefferson Chambers surveyor general for the district. Padilla opened a land office in Nacogdoches and Chambers put a force of surveyors to work, including the leading surveyors of Austin's colony, and it seemed that at last the chaotic condition was going to be changed.

This hope was very short-lived, however, for the work had been hardly started when Padilla was arrested by the local authorities on a charge of murder. A Mexican attached to Padilla's force was mysteriously killed, and whether the authorities really suspected the land commissioner or not, he was thrown in jail and all his papers were confiscated. He was kept in jail for some time and then released without trial, for want of evidence. But in the meantime a gang of land-grabbers in Nacogdoches got hold of the supply of blanks, bearing the official seal of the state, which were among Padilla's effects, and proceeded to issue titles to eleven-league tracts of land by the wholesale. These

were sold at such prices as they would bring, and it was believed that some of them were sent into Louisiana to be sold to rich planters. So the net result of the sending of a land commissioner to Nacogdoches was to create more confusion in the district.

Little or no effect of this was felt in Austin's colony, however, though Austin himself sought to bring about further action to clear up the situation. Good settlers continued to come to San Felipe, and to increase the population of the communities growing up within Austin's jurisdiction. By 1830 it had grown to be the most prosperous section of Texas, with a regularly established trade with New Orleans and Natchitoches. Already a considerable amount of cotton was shipped from the mouth of the Brazos to New Orleans, and small herds of cattle were driven to market at Natchitoches. All the corn was consumed in the colony, but the annual crop was considerable, and a comparatively large number of hogs were produced. A beginning had also been made in the production of sugar, tobacco and indigo, and hides and pelts formed an important part of the colony's trade. There were cotton gins in all parts of the colony by this time, and a number of grist mills. There had even been a start at the manufacture of dressed boards and other lumber. Butter, cheese, eggs and all kinds of vegetables were produced in abundance, so with what was to be had at home, and the commodities obtained from Louisiana in exchange for cotton, cattle and other exports, the colonists had attained to a condition of material well-being and economic security not surpassed in the older communities of the United States.

The cooperative spirit already referred to insured a share in this prosperity to practically all of the population. Indeed, it was even shared by the slaves. "Some owned slaves," says Bryan; "no one many, except Colonel J. E. Groce. These were treated with great kindness. They were clothed, fed, attended to in sickness, and each family had a 'patch' of land to cultivate, —their masters sending the products of their labor with their own to market, and giving them the proceeds, which they could expend as they pleased, except not for liquor." For all, therefore, except the most shiftless (and there were very few such within the jurisdiction of Austin) there existed a condition of economic security that has seldom, if ever, been equalled in a similar settlement.

Moreover, along with this economic security also came security from the Indians. There were some Indian depredations during the years between 1825 and 1830, but they were chiefly in outlying districts, and they were followed by such prompt chastisement that the colony soon became a great deal more secure against annoyance from the Indians than was San Antonio itself. As a matter of fact, the Comanches treated the authorities at San Antonio with contempt, and are said to have jestingly referred to that town as their "rancho." In any event, they stole horses from within the municipal limits almost whenever they chose to do so. The security of the colonists against depredations from the Indians, however, became so marked that it planted in the minds of some Mexican leaders the suspicion that there was an understanding between the Anglo-Americans and the Indians and against the Mexi-

cans. The truth is, of course, that the Indians came to appreciate that depredations upon the Americans were sooner or later punished, and they behaved toward them accordingly.

The settlers in DeWitt's colony had more trouble with the Indians at first, because of their small number and, as has been seen, they were forced to abandon the site of Gonzales. But by degrees they reoccupied the site of that town and soon it became a flourishing community, in all things joined to the other Anglo-American settlements, except that the colonists were under a different empresario. In 1828 a settlement of Irish-Americans, introduced by Empresarios McMullen and McGloin, was begun on the banks of the Nueces, and given the appropriate name of San Patricio. These settlers were Catholics, and their situation was remote from that of Austin's colonists, so that there was little or no intercourse between them. Their relations were more directly with San Antonio than those of any of the other colonists, but they were nevertheless part of the process of "Americanizing" Texas.

So it was that the daring project which Moses Austin conceived in 1819 had become a splendid reality in ten years. Baron de Bastrop, whose support of the proposal had been prompted by a conviction, as well-grounded as Moses Austin's, that it would succeed, lived to see the first fruits of that success. He passed away, however, just about the time constitutional government was being established in the colony which he had assisted in bringing into being. Had it not been for these two men, and for the untiring labors and great faith of Stephen Austin, who knows what would have

been the history of those ten years? Even with the influx of Americans and the consequent favorable economic effect upon San Antonio and La Bahía, the Mexican part of the population was hardly prospering. La Bahía, to be sure, was raised to the dignity of a "villa," and its name changed to Goliad, but there can be little doubt that the Mexican hold on Texas would have gradually lessened almost to the vanishing point during the decade between 1820 and 1830 had it not been for the colonization movement which had its birth when Moses Austin made his historic journey to San Antonio in 1820. Now, however, civilization was permanently established in the Texas wilderness. There were thousands of hands to carry on the work. The people who lived in mutual helpfulness in these new communities had found their home. They were there to stay, no matter what might be the changes in politics or in government, and no matter what course the destiny of nations might take.

CHAPTER XVI.

MEXICO TAKES ALARM.

On the morning of July 31, 1829, the inhabitants of the Mexican capital awoke to hear the startling news that a Spanish army had landed on the coast near Tampico four days before. It was like a thunderbolt from a blue sky and great alarm spread rapidly among all classes of the population. The long-threatened reconquest of Mexico was about to begin! All sorts of wild rumors became current. The expedition was said to be of sufficient size and equipment to sweep all opposition before it; it was said to be supported by the Spanish navy, and that all ports of Mexico would be blockaded. Knowing ones expressed the opinion that it probably would be followed by other expeditions, and that the country was in no condition to put up a successful defense. A feeling of apprehension and fear became general.

There were those, however, who ridiculed the report as groundless. The leading enemies of Guerrero's regime said the story was manufactured to divert criticism of his administration. Guerrero's first four months as president had not served to increase his prestige, and the opposition was making headway against him. A Spanish invasion would rally all classes, except the remaining monarchists, to the president's support and, the wish being father of the thought, they were reluctant to believe that such an event was intervening

to spoil their plans. The Spaniards and monarchists, of course, secretly rejoiced and furtively sought confirmation of the report.

The report was true. At the moment that the news reached the capital, the Spanish forces were marching toward Tampico. The expedition, consisting of three thousand men on fifteen transports, under the command of Gen. Isidro Barradas, and convoyed by a fleet of five men of war, commanded by Rear Admiral Laborde, had left Havana on July 6. On July 24 it had appeared off the Mexican coast, and on the 26th a proclamation was sent ashore, calling upon all the people of Mexico to rally to the support of their king, and making all kinds of promises of reward to the faithful. The next day the entire force was landed, without meeting resistance, and the march toward Tampico was begun.

These details reached the capital in due time, and along with them also came the news that General Santa Anna at Vera Cruz had already begun vigorous preparations to set forth with an adequate force to meet the invaders. Santa Anna became the man of the hour.

Santa Anna, who was then governor of Vera Cruz and commander of the forces stationed there, had in fact received word of the approach of the Spaniards as early as July 16. A French frigate arrived at Vera Cruz on that date and brought the first tidings of the expedition. Santa Anna immediately mustered the militia, used his private credit to raise such funds as were necessary to equip it for a campaign, and by the time the news of the invasion had reached the capital

he was ready to march. In consequence of his prompt action, Guerrero, upon being informed of it, appointed him commander in chief of the army of operations.

Guerrero called congress to assemble in special session to take the necessary steps to place the country in a state of defense, and it convened on August 6. Meantime, however, the first excitement had died down and little was heard of the Spaniards. The invaders were having a hard time of it, for they were still making their way toward Tampico, suffering greatly from the extreme heat and from scarcity of water, and being tormented to exasperation by attacks of insects. Fever broke out among the men, and soon they were dying like flies. On August 18 General Barradas and his army filed into Tampico and found the place deserted, the inhabitants having fled. When the news of the "fall of Tampico" reached congress it bestirred itself, and on August 25 invested President Guerrero with extraordinary powers.

Upon landing the troops, both the transports and the fleet had sailed back to Havana, in obedience to orders, and left Barradas without protection from the sea, for it was believed by the Spanish authorities that a popular uprising would welcome the expedition with open arms. Finding the sea open, therefore, Santa Anna dispatched a force of cavalry overland and embarked with one thousand men by water for Tampico. Terán, who had been in Texas, was at Matamoros, and he hastened to join Garza in Tamaulipas, and to march against the Spaniards from the north. These two forces formed a junction, and it is recorded that they had "several bloody encounters" with the invaders. The truth seems

to be that the epidemic of fever among Barradas's men rendered it impossible for him to show much fight. In any event, on September 11, about six weeks after landing, the Spanish commander surrendered to Santa Anna on the banks of the Pánuco river, with the understanding that the remnant of his force should be sent back to Havana. The Spanish invasion was at an end. There was great rejoicing, and the name of Santa Anna on the banks of the Pánuco river, with the undersavior of his country.

These events created quite as much excitement among the Anglo-American settlers in Texas as in any other part of Mexico. The reconquest of Mexico by Spain, had it gained any headway at all, would have been resisted to the end in Texas, and the news of the surrender of the Spaniards was hailed with enthusiasm. This enthusiasm was changed into indignation in the course of a few days, however, when word was received that Guerrero, acting under the extraordinary powers vested in him by congress because of the invasion, had issued an edict abolishing slavery throughout the republic. The edict was unequivocal and provided for the absolute emancipation of all slaves, though it contained a rather indefinite provision that the government would reimburse the owners whenever the state of the public treasury permitted it. José María Tornel, who had made several unsuccessful attempts during the previous three years to get a law through congress abolishing slavery, took advantage of the situation created by the invasion, drew up the edict himself and presented it to President Guerrero for his signature. Tornel evidently was one of those who had become

alarmed over the influx of Americans into Texas, and who believed that the abolition of slavery would put a stop to it. The edict undoubtedly was aimed at Texas, for there were practically no slaves in any other part of Mexico. It was the first fruits of the suspicion which had been planted in the minds of the Mexicans by the efforts of the United States to acquire Texas, and by the Fredonian war. Its purpose was to reverse the colonization policy by indirection.

The idea that the abolition of slavery would check immigration of Americans to Texas was not a new one. Terán had expressed this thought in his first communication to Victoria from Texas more than a year before, and it is not improbable that there was a direct connection between him and Tornel. Referring to the slavery provision in the state constitution of Coahuila and Texas, and the national law prohibiting slave trading, Terán had said: "The wealthy Americans of Louisiana and other western states are anxious to secure land in Texas for speculation, but they are restrained by the laws prohibiting slavery. If these laws should be repealed—which God forbid—in a few years Texas would be a powerful state which could compete in wealth and production with Louisiana. The repeal of these laws is a point toward which the colonists are directing their efforts. They have already succeeded in getting from the legislature of Coahuila a law favorable to their prosperity; the state government has declared that it will recognize contracts made with servants before coming to this country, and the colonists are thus assured of ample labor to be secured at a very low price in the United States." Terán did not propose

the abolition of slavery, as he recognized the importance of slaves to the colonists, and the relation between slavery and immigration from the southern states. He had concluded that something must be done to modify the colonization policy, however, and had very definite ideas on the subject. Tornel, on the other hand, apparently proposed to deal the colonization policy a death blow by means of a stroke of Guerrero's pen, and whether Guerrero appreciated the full significance of his act or not, he signed the edict.

The news that the edict had been issued created a sensation in Texas. By this time there were about one thousand slaves among the various Anglo-American settlements, including those in the Nacogdoches district, and the enforcement of the edict would have meant ruin to many of the colonists. Jared Groce was the chief slave-holder, and in his case it would have meant disaster, for he had cast his lot entirely with Texas, and was the largest planter in the whole state. Even if he removed his slaves to the United States, it would mean the abandonment of his extensive properties in Texas, and this would be a great loss both to himself and to Texas. There were others similarly situated, relatively speaking, though none owning as many slaves as Groce. Moreover, the enforcement of the edict would absolutely stop desirable immigration from the United States, and would accordingly affect the value of land and other property of everybody in Texas.

The question of what should be done about it immediately became the paramount one in Texas. There was much excited talk, but Austin at once came forward

and advised a course of calmness. "There ought to be no vociferous and visionary excitement or noise about this matter," he said. "Our course is a very plain one—calm, deliberate, dispassionate, inflexible, firmness; and not windy and ridiculous blowing and wild threats." He proposed that the ayuntamientos of Texas agree to withhold publication of the edict, when it should arrive, until the matter could be taken up with the government.

"I know nothing of the men who compose the Ayuntamiento of Nacogdoches," he wrote to John Durst of that place, "but if they are true patriots and true friends to themselves and to Texas, they will not suffer that decree to be published or circulated in that municipality, and they will take the stand I have indicated or some other that will preserve the constitution, and our constitutional rights from open and direct violation."

The stand that Austin proposed was that the edict violated the federal and state constitutions by depriving the owners of slaves of their property without warrant. "What the people of Texas have to do," he said, "is to represent to the Government, through the ayuntamientos or some other channel, in a very respectful manner, that agreeable to the constitution and the colonization laws, all their property is guaranteed to them without exceptions, in the most solemn and sacred manner. That they brought their slave property into the country and have retained it here, under the faith of that guarantee, and in consequence of a special invitation publicly given to emigrants by the government in the colonization law to do so. That the constitution of the state expressly recognizes the right of property

in slaves by allowing six months after its publication for their introduction into the state. That they will defend it, and with it, their property."

Austin took his stand firmly on the constitution, and the rights of Mexican citizens under it. He advised against taking any course that would be "anything like opposition to the Mexican Constitution." "Nothing of this kind," he said, "will do any good; it will, in fact, be unjustifiable, and will never be approved by me, but on the contrary opposed most decidedly. I will not violate my duty as a Mexican citizen. The constitution must be both our shield and our arms; under it, and with it, we must constitutionally defend ourselves and our property."

Specifically Austin proposed that if the political chief of the department should finally be compelled to publish the edict and circulate it in Texas, "the ayuntamientos must then take a unanimous, firm and constitutional stand. The people will unanimously support them."

"What I do in this matter will be done openly," declared Austin. "Mexico has not within its whole domain a man who would defend its independence, the union of its territory, and all its constitutional rights sooner than I would, or be more ready and willing to discharge his duties as a Mexican citizen; one of the first and most sacred of those duties is to protect my constitutional rights, and I will do it so far as I am able. I am the owner of one slave only, an old decrepit woman, not worth much, but in this matter I should feel that my constitutional rights as a Mexican were just as much infringed as they would be if I had a

thousand; it is the principle and not the amount; the latter makes the violation more aggravated but not more illegal or unconstitutional."

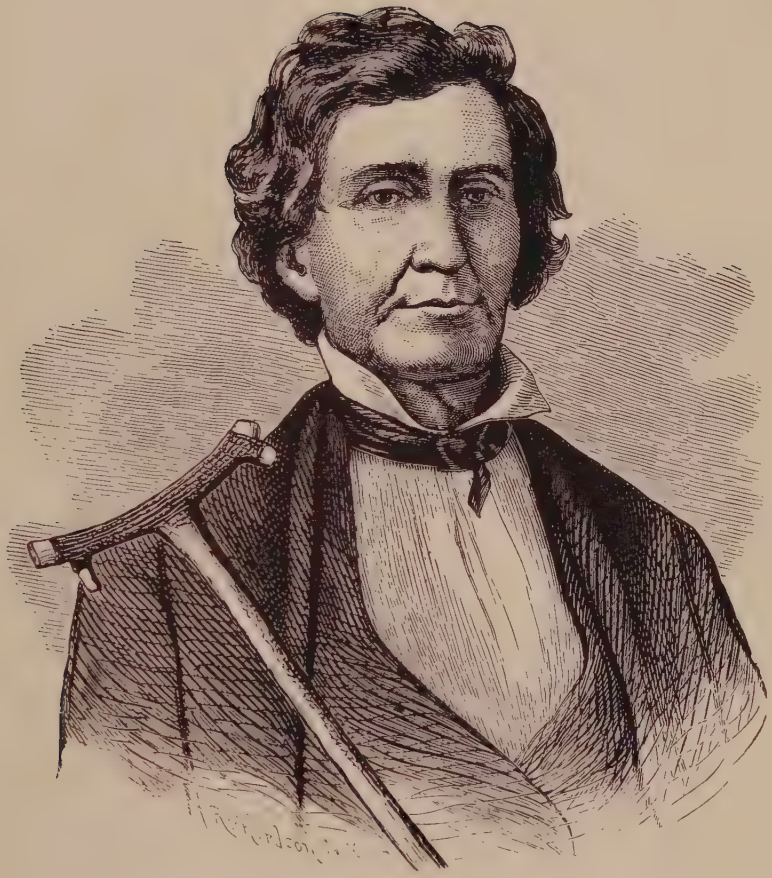
Ramón Músquiz, the political chief of the department, recognized fully that the enforcement of the decree would mean ruin to the prosperity and development of Texas, and when Austin importuned him to hold up the publication of the decree in the department, and to memorialize the president to exempt Texas from its provisions, he readily agreed to follow this course. He addressed a letter to the governor of the state on the subject, to be transmitted to the president. The governor, in forwarding this communication to Guerrero, wrote one on his own account, pointing out the difficulties that would arise from the enforcement of the edict in Texas. The economic importance of slaves as the only form of labor procurable by the settlers was urged, and it was pointed out that the Mexican government had guaranteed property in slaves when the settlers were invited to the country. Moreover, the governor added, any attempt to enforce the edict in Texas would be certain to cause "commotions." He hastened to say, however, that it should not be inferred that the settlers were of a turbulent and insubordinate character. Up to this time, he said, he had received nothing but proof to the contrary. It was to "the condition of man" that he referred, and "the inclinations of which he is capable, when, from one day to another, he is about to be ruined, as would result to many of them whose whole fortune consists of their slaves."

It is a striking fact, too seldom appreciated by writers on the Mexican period of Texas, that such insight into

the local situation in Texas by the state and department officials was not unusual. When all that can be said on the subject of the natural incompatibility of the Mexicans and the Americans is considered, it still remains true that very little of the trouble between the Anglo-Americans in Texas and the Mexican government originated in Texas itself. The Mexicans on the ground for the most part had none of the fears with respect to the colonization policy that were manifested by leaders from other sections of the republic. The attitude of the political chief and of the governor on this occasion supplies a very striking illustration of this. Were it not for the Americans at Washington and the Mexicans at Mexico City, there would not have been so much friction.

The representations made to Guerrero by the governor and the political chief had the desired effect. Under date of December 2, 1829, Guerrero notified the governor that the department of Texas had been exempted from the general decree, and thus the episode ended. But before the news of this action had reached Texas, events had occurred which were destined to bring about a more serious crisis. Two days after Guerrero dispatched this notification to the governor of Coahuila and Texas, Anastasio Bustamante, the vice-president, began a revolution with the avowed purpose of unseating the president. He denounced the dictatorial powers with which Guerrero had been invested as unconstitutional and proposed to destroy the government in order to preserve the constitution.

Bustamante, however, cared very little for the constitution. He had surrounded himself with a cabal strong



R. M. WILLIAMSON.
Three-Legged Willie.

enough to seize the government and he proposed to do it. Guerrero hastily assembled congress, and on December 11, formally tendered the resignation of his dictatorial powers, thus hoping to rob Bustamante of his battle cry. But it was too late. The ramifications of Bustamante's support ran through the whole army, and Guerrero was left without the power to maintain himself in office. Santa Anna, almost alone among the outstanding leaders, declared his intention to defend the established government and insisted that Guerrero was the lawful chief magistrate of the nation. He urged Guerrero to remain in the capital while he proceeded to raise a force to put down the rebellion. But against this advice Guerrero resolved to take the field in person, and with this object in view quitted the capital.

This was a fatal error, for soon he found himself isolated with only a small force of troops loyal to him. Bustamante assumed the office of president and proceeded to organize a cabinet on January 7, 1830. A month later, congress "recognized accomplished facts," and in lieu of a better excuse, formally declared Guerrero incompetent to discharge the duties of the presidency. Santa Anna, realizing that resistance would be futile, announced that inasmuch as the president had voluntarily abandoned the capital, there was nothing to do but to recognize his successor. That wily gentleman then retired to his estate, far from the tumult of the moment, and bided his time.

The change of government meant disaster for the colonists in Texas, for the cabal of which Bustamante was the head was composed of the very men who had become most alarmed over the intentions of the United

States with respect to Texas and who saw something sinister in the migration of Americans into Mexican territory. Terán and Bustamante were bosom friends, and when the latter resigned as commandant of the eastern internal states, a division which was still kept up for military purposes in spite of the federalization of Mexico, Terán had succeeded him to that office. Bustamante was in thorough accord with Terán in his opinions about Texas. With Bustamante as president and Terán as military commandant over the territory which included Texas, it could be expected that trouble for the colonists would follow. But to make the situation worse, Bustamante, in organizing his cabinet, named as his secretary of foreign relations, the official who would have direct dealings with the United States and who would fix the foreign policy of the country, the most rabid anti-American in public life in Mexico, Lucas Ignacio Alamán.

Alamán was a Mexican with European ideas. He was highly educated, a centralist in his point of view, anti-republican almost to the point of monarchism, and filled with the conceptions of statesmanship which prevailed in the Old World. His ideal statesman was Metternich, and he had lived in Europe during the period of the famous Austrian's ascendancy. He had a grotesque conception of the American government, and despised the principles upon which it was founded. He wanted no American colonies in Mexico, for he regarded American colonization of foreign territory as the first step in a studied method of the United States to expand its national domain. That such a man should become a dominant figure in Mexican affairs meant the

undoing of all of Austin's labors of the past decade to create a feeling of confidence among Mexican leaders. The colonization policy for which Austin had been chiefly responsible was in danger, for the men who had established that policy were now without power or influence.

During the previous two years the relations between Mexico and the United States had not improved. If anything they had gone from bad to worse. The treaty ratifying the boundary of 1819 had not gone into effect because the time limit for the exchange of ratifications had been permitted to expire without completing the exchange. The United States Senate had ratified it on April 28, 1828, which was two weeks before the expiration of the time limit, and while the Mexican congress had ratified it also, various delays had occurred, and it was not until August 2, 1828, that the Mexican minister at Washington notified the state department that he was ready to exchange the ratifications. But inasmuch as the time limit had expired, the president was without power to act unless by authorization from congress. Congress was not in session, so the matter lay over. Meantime, a treaty of commerce, negotiated at the same time as the treaty of boundaries, was pending before the Mexican congress without action because of objection to two clauses dealing with the surrender of fugitive slaves and control of the Indians on the border. When the American congress met in December, Adams had been defeated for reelection, and he decided to leave the whole question for the new president, Andrew Jackson. Adams's alliance with Clay had failed to produce results in strengthening him politically, and their

project of obtaining new territory south of the Missouri Compromise line through the purchase of Texas had come to naught. Adams received one electoral vote less in 1828 than he had in 1824, all the slave states but one, Maryland, voting for Jackson. From that moment Adams became the leader of the anti-slavery forces, and the uncompromising opponent of the annexation of Texas. But the treaty of boundaries was carried over into Jackson's administration as unfinished business. Jackson was in no hurry to complete the treaty of boundaries while the Mexican congress withheld ratification from the treaty of commerce. So the matter rested until August, 1829, and when Jackson finally turned his attention to the subject he did so by reviving the proposal to acquire Texas.

This new project of purchasing Texas was born in the fertile brain of Col. Anthony Butler, who had served under Jackson at the battle of New Orleans, and who was among the president's ardent supporters. Butler had settled in Mississippi after retiring from the army, and had been a member of the Mississippi legislature. He had acquired some kind of interest in Texas lands, and when his former commander became president, he went to Washington in the summer of 1829 for the dual purpose of seeking a job and of interesting Jackson in Texas. He succeeded in both aims, for he obtained a commission to go to Mexico to negotiate the purchase of Texas.

It was while the Spanish army was on Mexican soil that Jackson took up with his secretary of state, Martin Van Buren, the project of acquiring Texas. On August 13, 1829, Jackson sent a memorandum to Van Buren

directing him to instruct Poinsett to reopen negotiations on the subject. He proposed that the line should be fixed along the watershed between the Nueces river and the Rio Grande and that it should follow the watershed between the Rio Grande and other streams to latitude 42° north. "Poinsett should be authorized," wrote Jackson, "to offer $5,000,000 for such a line, and proportionately smaller amounts for less advantageous boundaries." On the two following days he sent supplementary memoranda to Van Buren, one saying that uncompleted grants in Texas to individuals should be recognized, and the other, evidently written in the light of the news of the Spanish invasion, urging that the present moment was the proper one to make the attempt to acquire Texas and thus cement the relations between Mexico and the United States. On August 25 Van Buren carried these suggestions into effect by preparing instructions to Poinsett on the subject and confiding them to Butler who was to take them to Mexico by way of Texas.

Meantime, a newspaper campaign to prepare the public mind for the purchase was begun. On August 18, within a week after Jackson had penned his first memorandum to Van Buren, the *Nashville Republican and Gazette* printed a long article on the advantages that the acquisition of Texas would offer, and during the next two months similar articles appeared in other newspapers in different parts of the country. It was not disclosed, however, that the president contemplated such a purchase. Butler, who was delayed by illness on his way to Texas, wrote Jackson that he feared these articles were doing harm, and anybody acquainted with the

temper of the Mexicans on the subject would have been certain of it. There can be little doubt that the Mexican minister at Washington transmitted copies of all such articles to his government.

Little opposition to the proposal seems to have been expressed in the American newspapers. Rives, from whose work most of the information with respect to this episode is gleaned, finds one publication, however, that voiced a protest. *The Genius of Universal Emancipation*, edited by William Lloyd Garrison and Benjamin Lundy, without any knowledge of Jackson's intentions, branded the project as a scheme of the advocates of slavery to add "five or six more slave-holding states to this union." "A greater curse could scarcely befall our country," it declared, "than the annexation of that immense territory to this republic, if the system of slavery should likewise be reestablished there." The editor evidently was under the impression that slavery did not exist in Texas.

While these plans were being laid in Washington, Poinsett was having a rather unpleasant time of it in Mexico. He was making no progress toward getting the treaty of commerce ratified, and attributed his failure to the growing anti-American feeling among the Mexicans. Butler had scarcely left Washington, when a letter from Poinsett was received expressing despair of ever seeing accomplished the very project Jackson was contemplating. "I am still convinced," he wrote, "that we never can expect to extend our boundary south of the Sabine without quarreling with these people and driving them to court a more strict alliance with some European power."

Jackson did not wish to recall Poinsett, for the latter had supported him for the presidency while a member of the house of representatives from South Carolina in 1824. But he did think it would be better to leave the whole negotiation in the hands of Butler, who expressed absolute confidence of success, and so he now had Van Buren prepare instructions for Poinsett to return to the United States on leave, turning matters over to Butler as chargé d'affaires. Van Buren expressed the opinion that Butler possessed "qualifications peculiarly adapted to the station," but on this point a passage from Rives will suffice. He says:

"Butler in later years quarrelled with Jackson, who declared he was a scamp and a liar. He quarrelled with Wilcocks, the American consul in the City of Mexico, who charged him with all sorts of immorality. And he quarrelled with Sam Houston, who asserted that he had squandered his wife's property, and then abandoned her; that he was a gambler; that he was not a citizen of Mississippi, but a resident of Texas, in 1829; and that altogether he was a much worse man than anybody else whom Houston knew.

"John Quincy Adams, who examined Butler's dispatches on file in the state department, declared that his looseness of moral principle and political profligacy were disclosed in several of his letters, and his vanity and self-sufficiency in others. This statement is fully warranted. Some of Butler's correspondence is insolent and even scurrilous in tone; and all of it betrays the author as vain, ignorant, ill-tempered, and corrupt. A man more unfit to deal with the punctilious, well-mannered, sensitive people who controlled the Mexican govern-

ment, or to attempt the delicate task of restoring confidence in the objects and purposes of the American government, could scarcely have been found."

Such was the man who was being sent to succeed Poinsett, who, with all his faults, was a gentleman and possessed of qualities which made him socially popular in Mexico, and such was the "diplomat" who was commissioned to represent the United States of America in dealing with the able and scholarly Mexican secretary of foreign relations, Lucas Ignacio Alamán.

Before the instructions to Poinsett had been dispatched from Washington to overtake Butler, however, news arrived that Poinsett's situation in Mexico had reached a climax. The popular demand for his expulsion had continued to grow, and finally Guerrero had yielded to the extent of requesting the American government to recall him. The Mexican minister at Washington presented the request on October 16, and Jackson complied with it, changing the instructions to Poinsett accordingly.

Butler proceeded to Mexico City through Texas and stopped at San Antonio on the way. He could not keep his "big secret" to himself, and seems to have boasted of his mission to persons there, who, in due course, passed the information on to the political chief, Ramón Músquiz. "When Mr. Butler, chargé d'affaires from Washington City to our government, passed through this city in the year 1829," Músquiz wrote three years later, "he avowed to some here, but confidentially, that the object of his mission to Mexico was the purchase of

Texas." In any event, the object of his mission was currently known in Mexico City by the time he arrived there.

Poinsett received word of his recall before Butler's arrival and, without waiting for him, he called upon Guerrero and requested that a day be fixed for his formal leave-taking. This was on December 15, and Bustamante's revolt was already in progress. Guerrero had his hands full elsewhere, and Poinsett had to wait. Butler arrived on December 19, in the midst of the confusion attendant upon the violent change of administration, and on Christmas day Poinsett presented his letter of recall to the new administration. He turned the affairs of his office over to Butler and returned home.

Butler had been installed only a few days when the newspapers of Mexico City printed articles declaring that the object of his mission was to purchase Texas for five million dollars. Rives quotes *El Sol*, the organ of the Bustamante party, as expressing editorially the opinion that as Butler had so far made no overtures on the subject, "we presume that he does the new administration the justice to suppose it incapable of a transaction as prejudicial and degrading to the republic as it would be disgraceful to the minister who would subscribe to it."

That was a fair reflection of the Mexican attitude on the matter, but Butler had his own opinion about the chances of success. For his plan was nothing short of that of bribing his way to the accomplishment of his object. President Jackson, let it be said, very probably had no knowledge of this circumstance at first, and when Butler openly proposed it later Jackson promptly and indignantly rejected the suggestion. Jackson's own

point of view as to the best arguments to be put forward to induce Mexico to part with Texas was expressed in a private letter to Butler, dated October 19, 1829.

"I have full confidence," wrote Jackson, "you will effect the purchase of Texas, so important for the perpetuation of that harmony and peace between us and the Republic of Mexico, so desirable to them and to us to be maintained forever, and if not obtained, is sure to bring us into conflict, owing to their jealousy and the dissatisfaction of those Americans now settling in Texas under the authority of Mexico—who will declare themselves independent of Mexico the moment they acquire sufficient numbers. This our government will be charged with fomenting, although all our constitutional powers will be exercised to prevent. You will keep this steadily in view, and their own safety, if it is considered, will induce them to yield now in the present reduced state of their finances."

This letter illustrates strikingly the maze of misunderstanding and confusion which was being created to the embarrassment of the colonists in Texas. The view expressed by Jackson was precisely the view held by Alamán. Both believed the Americans in Texas would not remain loyal to Mexico, but would seize the first opportunity to declare Texas independent. Jackson believed that Mexico ought to be willing to part with Texas in order to avoid such a development. Alamán had no idea of parting with Texas, nor had any other Mexican of prominence, but he shared Jackson's views with respect to the danger of the colonization policy. Moreover, this view was also being urged by the British minister, in furtherance of British influence in Mexico.

Butler, therefore, would not find it difficult to convince Alamán that the colonists would "declare themselves independent of Mexico the moment they acquire sufficient numbers." But Alamán had another remedy for that situation. Instead of selling Texas, he proposed to checkmate the supposed plans of the United States to get possession of that territory through colonization and subsequent revolution in a very different way. He proposed to stop the migration of Americans to Texas and to take proper steps to control those already there.

Nothing had happened in Texas to justify either the opinion of Jackson or that of Alamán, and the colonists had given no ground for the fear which the leaders of the new government felt with respect to them nor to warrant the course which Alamán contemplated. Indeed, almost at the very moment that Jackson was writing this letter to Butler, the governor of Coahuila and Texas was writing to President Guerrero that he did not wish it to be inferred that "these settlers are of a turbulent and insubordinate character, for up to this time I have received nothing but proof to the contrary." And about the same time Austin was writing to John Durst of Nacogdoches and declaring, "Mexico has not within its whole dominions a man who would defend its independence, the union of its territory, and all its constitutional rights sooner than I would." The only disturbance which had taken place in Texas since the inauguration of the colonization policy had been the Fredonian war, and far from indicating any tendency toward insubordination on the part of the colonists, that event had demonstrated their loyalty to Mexico. As William H. Wharton pointed out, in a document pro-

testing against such opinions as to the intentions of the colonists, when it is considered by whom those disturbances were originated and by whom quieted, instead of exciting the suspicion of the government "that affair should confirm its confidence in their patriotism." The movement, Wharton said, was inaugurated by "fifteen or twenty infatuated individuals" and was opposed by ninety-nine hundredths of the settlers. And, with the exception of the Fredonian war, there had been no disturbance in Texas at all.

John Austin truly represented the situation when in 1832 he wrote as follows: "The enemies of Texas, the enemies of the enterprising men who have devoted their time and labors to improve a country that was never before trod by civilized men, have taken pains and are continually doing it, to attribute to us a disposition to separate from the Mexican confederation. We have not entertained and have not any such intention or desire. We are Mexicans by adoption, we are the same in hearts and will so remain."

This was the situation in Texas. But in spite of it the new government was preparing to adopt a course based on a very different conception. Bustamante in the president's chair, Alamán as the secretary of foreign relations, Terán as commandant of the eastern internal states—all these were convinced that the United States wanted Texas so intensely that it was fostering immigration of Americans as a first step toward seizing the territory, and they would act on that conviction. The American government, on the other hand, through its representative, Butler, at Mexico City, was following a course calculated to confirm this belief. Bustamante,

Alamán and Terán felt that something must be done to avert the calamity that would certainly result from a continuance of the colonization of Texas by Americans. All three believed that the loss of Texas was impending. "He who consents to, or does not oppose the loss of Texas," wrote Terán, "is an execrable traitor!" So one of the first objects toward which the new government directed its efforts was that of "safeguarding" Texas.

CHAPTER XVII.

THE FIRST STEP BACKWARD.

"Either the government occupies Texas now, or it is lost forever, for there can be no possibility of a reconquest when our base of operations would be three hundred leagues distant, while our enemies would be carrying on the struggle close to their base and in possession of the sea."

Such was the declaration of Terán in urging upon the new government the importance of immediate action with respect to Texas. As soon as his friend Bustamante was in control, Terán submitted a detailed plan for dealing with the situation as he conceived it to exist. He sent his aide, Lieut. Constantine Tarnava, to the capital to lay this plan before Bustamante, recommending that it be put into operation without delay.

Terán's program was divided into two sets of measures, military and political. The military measures he proposed were as follows:

I. The removal to the Nueces of several companies now on the Rio Grande.

2. The establishment of a strong and permanent garrison at the main crossing of the Brazos river, that there may be an intermediate force in the unsettled region separating Nacogdoches and Béxar.

3. The reinforcement of the existing garrisons by filling the quota of infantry properly belonging to them.

4. The occupation and fortification of some point

above Galveston bay, and another at the mouth of the Brazos, for the purpose of controlling the colonies.

5. The organization of a mobile force equipped for sudden and rapid marches to a threatened point.

6. The establishment of communications by sea between other Mexican ports and Texas.

The political measures consisted of the following:

1. The transportation of Mexican convicts to Texas, where they should serve their sentence and then settle.

2. The encouragement by all legitimate means of the migration of Mexican families to Texas.

3. The colonization of Texas with Swiss and German colonists, whose language and customs, being different from those of the people of the United States, would make less dangerous the proximity of the latter.

4. The encouragement of coastwise trade, as the only means of establishing close relations between Texas and the other parts of the republic, to the end that the department of Texas, so North American in spirit, might be nationalized.

Terán urged especially the importance of colonization of Texas by Mexicans. "It is a fact," he said, "that Mexicans are little disposed to enterprises of this nature, but it is also a fact that the state governments have made no attempts in this direction. Whatever obstacles may be encountered must be overcome, for these measures involve the safety of the nation and the integrity of our territory. To stimulate this settlement of Mexican families the government should create a loan fund for the assistance of poor laborers, for the purpose of supplying them with agricultural implements, etc. It might perhaps be possible for the government to promote

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among Mexican capitalists some kind of an association for the development of these lands in Texas." In order to overcome the disadvantage Mexican settlers would be under because of the lack of slave labor, he proposed that the government should offer cash prizes to those who distinguished themselves in the production of agricultural products.

In emphasizing the need of coastwise trade, he pointed out that this might be made advantageous to the colonists. Their trade was exclusively with New Orleans, and they were required to pay duty on their cotton and other exports, whereas they would escape these charges if they could ship to Tampico or Vera Cruz for the European trade.

Sharing Terán's convictions that these measures involved the safety of the nation and the integrity of Mexican territory, Bustamante and Alamán lost no time in bringing them to the attention of congress. As the policy they involved was inspired entirely by fear of the United States and the conviction that the American government was determined to acquire Texas by fair means or foul, the duty of presenting the matter was allotted to Alamán, the secretary of foreign relations. Accordingly, on February 8 Alamán submitted it to congress in the form of a report on the evident purpose of the United States to possess Texas, together with recommendations as to the proper means of circumventing that purpose. He embodied the measures suggested by Terán, and added a few of his own, the latter being of more far-reaching and radical character. The report set forth that the United States was pursuing with re-

spect to Texas a well-defined policy, such as had been followed in the case of the Floridas and of Louisiana.

"The United States of the North," said Alamán, "have been going on successfully acquiring, without awakening public attention, all the territories adjoining theirs. . . . They begin by introducing themselves into the territory which they covet, upon pretense of commercial negotiations, or of the establishment of colonies, with or without the assent of the government to which it belongs. These colonies grow, multiply, become the predominant party of the population; and as soon as a support is found in this manner, they begin to set up rights which it is impossible to sustain in a serious discussion, and to bring forward ridiculous pretensions, founded upon historical facts which are admitted by nobody. . . . These extravagant opinions are, for the first time, presented to the world by unknown writers; and the labor which is employed by others, in offering proofs and reasonings, is spent by them in repetitions and multiplied allegations, for the purpose of drawing the attention of their fellow-citizens, not upon the justice of the proposition, but upon the advantages and interests to be obtained or subserved by their admission.

"Their machinations in the country they wish to acquire are then brought to light by the appearance of explorers, some of whom settle on the soil, alleging that their presence does not affect the question of the right of sovereignty or possession of the land. These pioneers excite, by degrees, movements which disturb the political state of the country in dispute, and then follow discontent and dissatisfaction, calculated to tire the patience of the legitimate owner, and to diminish the usefulness

of the administration and of the exercise of authority. When things have come to this pass, which is precisely the present state of things in Texas, the diplomatic intrigue begins. The inquietude they have excited in the territory in dispute, the interests of the colonists therein established, the insurrection of adventurers, and savages instigated by them, and the pertinacity with which the opinion is set up as to their right of possession, become the subject of notes, full of expression of justice and moderation, until, with the aid of other incidents, which are never wanting in the course of diplomatic relations, the desired end is attained of concluding an arrangement as onerous for one party as it is advantageous to the other.

"Sometimes more direct means are resorted to; and taking advantage of the enfeebled state, or domestic difficulties, of the possessor of the soil, they proceed upon the most extraordinary pretexts to make themselves masters of the country, as was the case in the Floridas; leaving the question to be decided afterwards as to the legality of the possession, which force alone could take from them. This conduct has given them the immense extent of country they occupy, and which they have acquired since their separation from England; and this is what they have set on foot with respect to Texas."

This grotesque distortion of history and gross misrepresentation of conditions in Texas was sufficiently plausible to obtain general acceptance among the members of the Mexican congress. It was not a true picture either of what had happened with respect to Louisiana and the Floridas, or of what was happening with respect to Texas. Such Anglo-Americans as had settled in the

Spanish province of Louisiana had caused no disturbances nor was their settlement remotely connected with the transfer of Louisiana to the United States. No claims, whether through "unknown writers" or others, based upon manufactured historical facts or upon anything else, were set up as to Louisiana. Spain had lost Louisiana by transferring it to Napoleon, an act with which the United States had nothing to do, and Jefferson proposed to buy only the east bank of the Mississippi near the river's mouth, in order to avoid trouble with France over the navigation of that river. The offer was of outright purchase, and there was no pretension that any American claim to the territory existed. It was Napoleon himself who proposed to sell the whole of Louisiana, and he refused to sell less than the whole. So there was not the remotest justification for Alamán's citing of the case of Louisiana.

Whatever may be said about the case of the Floridas, certainly it bore no resemblance to the case of Texas. The settlers in West Florida were the remnant of the English occupation of that territory, and quite other reasons than that of acquiring territory induced Madison to occupy it after the inhabitants had declared themselves independent. The troubles in Florida proper were due to the absolute helplessness of Spain and her entire lack of power to exercise even the slightest control over the Indians who made raids upon the American settlers across the border. None of these cases, therefore, could be said to correspond to the description given by Alamán.

But Texas resembled neither the case of Louisiana and the Floridas nor Alamán's description. In Louisiana there had been the same colonization policy, to be

sure, but no empresario had achieved the success in that province which Austin had achieved in Texas. The nearest approach to it was Colonel Morgan's settlement of New Madrid, but that project was not to be compared with Austin's colony in importance. Moses Austin's colony at "Mine A Burton" was merely the adjunct of his lead industry, and possessed none of the civil significance of his son's colony in Texas. But even if a resemblance were admitted, the Spanish authorities never had occasion to complain about any trouble caused by these settlers, and certainly no reason to fear that their presence on Spanish soil was a menace to Spanish sovereignty over the territory. In the Floridas there had been nothing resembling the colonization of Texas. As a matter of fact what had happened in Texas was unique. Austin and the Anglo-American colonists had gone into a complete wilderness under the authority of the government having jurisdiction over it, had established civilized communities, set up orderly government and finally had become an integral part of the Mexican nation itself. They had given the supreme evidence of their loyalty in defending the nation against a rebellion fostered by men of their own nationality. Alamán's report was indeed a grotesque distortion of history and a gross misrepresentation of conditions in Texas.

Alamán sought to make out a case in support of the contention that conditions in Texas itself were such as to fit into his general thesis. Already, he pointed out, a majority of the inhabitants of Texas were Anglo-Americans. In spite of the law prohibiting the settlement of foreigners within twenty leagues of the border and ten leagues of the coast, Americans already occupied that

territory, he said. The law of July 13, 1824, required colonists to emancipate their slaves, he contended, but the colonists paid no attention to it; they still retained their slaves, and slaves continued to be introduced into Texas. The state government, he declared, was very lax in this matter. The provision of the colonization law that all colonists should be Catholics had been disregarded altogether; not one of the colonists, he charged, was a Catholic. And finally he pointed out that such was the power of the colonists already to compel the government to grant them privileges, that President Guerrero had had no choice but to exempt Texas from his decree abolishing slavery because the government was without the necessary military force in the department to enforce it.

If all of this had been the precise truth, it would not show the slightest disposition on the part of the colonists toward separation from Mexico, nor would it bolster up Alamán's main thesis that the migration of Americans to Texas was part of a scheme of the United States government to get possession of the territory. There was, of course, no connection between the United States government and the colonization of Texas. The colonization movement was the result of the labors of Stephen Austin and the policy of the Mexican government. The federal and state governments had invited Americans to Texas, and if already the majority of the population was American, it was an evidence of the success of the government's policy. The presence of Americans on the reserve tracts on the border and the coast could have been remedied by enforcing the law, and most of the colonists in Texas would have supported the government

in this move. Besides, that part of the reserve ground on the coast between the Lavaca and the San Jacinto had been thrown open for colonization by the act of the federal government itself. In any event, the colonists who were legally in the country were not responsible for the fact that American squatters had settled along the Sabine. Alamán's interpretation of the law of July 13, 1824, with respect to slaves was a strained one which nobody accepted at the time. The state constitution of Coahuila and Texas itself, which was adopted three years after the enactment of that law, permitted the introduction of slaves for six months after its promulgation, proving clearly that nobody interpreted the existing law as providing for the emancipation of slaves. It was a very late day to raise the question of the religion of the colonists, for everybody knew that they were not Catholics, and that Stephen Austin himself was not a Catholic. And, finally, it came with bad grace from a member of a government that had been placed in power as the result of a violent revolution against the dictatorial powers of Guerrero to criticise the colonists for obtaining by means of peaceful petition the revision of a single one of Guerrero's arbitrary measures.

These items of Alamán's indictment of the colonists in Texas, of course, were not reasons for his attitude. They were far-fetched excuses. The real reason was the fear that the United States was intriguing to seize Texas which had taken hold of the leaders of the dominant party with an intensity approaching frenzy. There was just enough of fact in his report, however, to insure ready acceptance by those who shared with him his animosity against the United States. It was true that the

United States was seeking to acquire Texas; it was true that certain "unknown writers" were publishing articles in the American newspapers in which more attention was given to the advantages to be derived from such acquisition than to the grounds for legal claim to the territory; it was true that there had been "insurrection of adventurers, and savages instigated by them," if the Fredonian affair and the alliance of Edwards and his followers with the Cherokees may thus be described. And, of course, it was true that the United States had doubled its national domain during the previous thirty years by the acquirement of territory which had been Spanish in 1800. But none of this could be connected with the colonists in Texas. They had nothing to do with the efforts of the United States to buy Texas, they were in no way concerned with the articles in the American newspapers, and finally they had put down the Fredonian insurrection and pacified the Indians involved in it. Alamán, however, was so filled with animosity toward the United States and so convinced that the colonization of Texas was a part of a well-planned scheme of the American government to acquire Texas, that he could not recognize the true situation in Texas.

In keeping with this view, he proposed a program with respect to Texas that was directed, not against the alleged abuses in Texas of which he complained, but against encroachment upon Mexican territory by the United States. He included the measures suggested by Terán—the establishment of military posts in Texas, the colonization of Texas by Mexicans and the sending of Mexican convicts to that territory with a view of their ultimate settlement, the granting of financial aid

to such Mexican colonists, the colonization of Texas by settlers from nations of different language and customs from those of the Americans, and finally the encouragement of the coastwise trade. But Alamán believed that Terán's program did not go far enough. He proposed to reverse the entire colonization policy with respect to Americans and recommended that all empresario contracts issued under the state law which had not been fulfilled should be suspended, and that the frontier should be closed against American immigrants altogether, only American travelers with proper passports being permitted to enter the country.

As the whole program was presented on a basis of patriotism and as one involving the safety of the nation and the integrity of Mexican territory, it obtained the hearty support of congress. Accordingly, on April 6, 1830, Alamán's recommendations were enacted into law. This law provided for an entirely new policy with respect to Texas. It authorized the president to take such lands as were necessary for fortifications and arsenals "in frontier states," indemnifying the states for them, and thus provided for Terán's program of military occupation of Texas. It authorized the government to transport "convict-soldiers" theretofore sent to Vera Cruz and other ports, to the colonies, "there to establish them as is deemed fit," and provided further that "the government will furnish free transportation to the families of the soldiers should they desire to go." These "convict-soldiers" were to be employed in constructing fortifications, public works and roads, and the law directed that "when the time of their imprisonment is terminated, if they should desire to remain as colonists,

they shall be given lands and agricultural implements, and their provision shall be continued through the first year of their colonization."

This meant that the government proposed to transport at its own expense a constant stream of Mexican criminals into Texas, to have them first serve as soldiers, and then to provide them with food and clothing for a year if they agreed to settle in the country, giving them land and agricultural implements for that purpose. But this offer was not confined to criminals. The law provided also that "Mexican families who voluntarily express the desire to become colonists will be furnished transportation, maintained for one year, and assigned to the best of agricultural lands." To carry out this program the government was authorized to expend five hundred thousand pesos, it being provided also that a suitable amount of this money should be expended "on premiums to such farmers among the colonists as may distinguish themselves in agriculture."

So it was that the new Mexican government proposed to "nationalize" Texas. But it did not propose to confine this process to increasing the Mexican population; the increase of the American population of Texas was to be stopped altogether. For the law contained the following sweeping provisions:

"The introduction of foreigners across the northern frontier is prohibited under any pretext whatever, unless the said foreigners are provided with a passport issued by the agents of this republic at the point whence the said foreigners set out.

"No change shall be made with respect to the slaves now in the states, but the federal government and the

government of each state shall strictly enforce the colonization laws and prevent the further introduction of slaves.

"In accordance with the right reserved by the general congress in the seventh article of the law of August 18, 1824, it is prohibited that immigrants from nations bordering on this republic shall settle in the states or territories adjacent to their own nation. Consequently, all contracts not already completed and not in harmony with this law are suspended."

In other words, the American colonists already in Texas were doomed to see the lands all around them settled by the lowest class of Mexicans—the prisoners who had been convicted of crimes—while the bars were put up against settlers of their own kind, even their own relatives and friends in the United States.

There were other features of the law designed to make the plan self-sustaining. The period of exemption from import duties which had been granted the settlers under the colonization laws was about to expire and the previous year a stringent tariff law had been passed. This law prohibited altogether the importation of many of the necessities of life, especially cotton goods, it being the policy of the government to encourage the production of such commodities within the republic. But now this new law provided that "frame houses and all kinds of foreign food products may be introduced through the ports of Galveston and Matagorda, free of duty, for two years." In addition to this, cotton goods were taken off the excluded list and it was provided that such goods could be imported, on payment of duties, until January 1, 1831. These duties were expected to

provide the revenue to defray the expenses of the military occupation of Texas, the Mexican colonization projects, the subsidizing of cotton manufacturing enterprises and the creation of a fund for defense against Spanish invasion. Coastwise traffic was thrown open to foreign ships for four years.

Finally, the law provided for the appointment of commissioners to put its provisions into effect, to make an investigation of the American colonies, the condition of the colonization contracts and general conditions in Texas, and to determine which contracts should be suspended. The government was required to make a report to congress within one year, giving "a record of the emigrants and immigrants established under the law, with an estimate of the increase of population on the frontier."

So it was that Mexico completely reversed the colonization policy which had been conceived originally by Moses Austin, supported by the Baron de Bastrop, and brought into being through the labors of Stephen Austin and the federalists leaders of Mexico. The practical effect of the new law was to cancel the contracts of all the empresarios, except those of Austin, DeWitt and De Leon. And the prohibition of immigration from the United States was almost equivalent to the cancellation of Austin's unfulfilled contracts.

The local administration of the law was placed in the hands of Terán, the commandant of the eastern internal states, and the practical effect of this was the establishment of military government in Texas, so far as the settlement of colonists and the collection of import du-

ties were concerned. For the military program was carried out without delay. Garrisons already existed at Nacogdoches, San Antonio and La Bahía. New garrisons were established at Tenoxtitlan, the point where the San Antonio road crosses the Brazos; at Anáhuac, on Galveston bay; at Velasco, near the mouth of the Brazos, and at Lipantitlan, near the mouth of the Nueces. The garrisons immediately in contact with the colonists, therefore, were those at Nacogdoches, Anáhuac and Velasco. Colonel Piedras was stationed at Nacogdoches with three hundred and twenty men; Col. John Davis Bradburn, an American in the Mexican service, at Anáhuac with one hundred and fifty men; and Col. Dominic Ugartechea at Velasco with one hundred and twenty-five men. The garrison at the San Antonio crossing on the Brazos was commanded by Col. Francisco Ruíz.

The program of "nationalizing" Texas was thus begun. It caused great excitement among the colonists of Texas, of course, but while Austin was chagrined at the turn events had taken, he advised calmness and patience. Nothing was to be gained by any show of resistance or insubordination; on the contrary, this would only tend to justify the government's attitude and increase the fear the Mexican leaders now felt with respect to the danger of losing Texas. The settlers by this time had come to understand that nothing was permanent in Mexico. For the moment Bustamante, Alamán and Terán were in the saddle. Tomorrow it might be somebody else. *Quién sabe?* Let the colonists continue to go about their business as usual and adjust themselves as far as

possible to the new order of affairs. In due time the proper course to be followed would be indicated by events.

Nothing could better illustrate how literally this policy of "business as usual" was followed in the jurisdiction of Austin than a perusal of the minutes of the ayuntamiento during the period immediately after the promulgation of the law of April 6, 1830. One gets a picture of that body concerning itself chiefly with matters affecting the progress of the settlements. It authorized the laying out of new roads and named commissioners to determine the shortest and most convenient routes. It conducted public sales of lots in the town of Austin, provided for the collection of license fees from merchants, assessing penalties when these fees were not paid, fixed ferry charges and granted permission for the establishment of new ferries and did a dozen and one other things of like character.

At the session on July 5, 1830, for example, the ayuntamiento took notice of the fact that physicians were practicing within the colony without giving evidence of their qualifications to do so. To meet this situation a board of examiners was accordingly created, and a regular license system established. Indeed, before twelve months had gone by, the ayuntamiento fined two physicians twenty-five dollars each for practicing medicine without a license. At this same session an ordinance was passed prohibiting the discharge of firearms within four hundred yards of the improved part of the town, and a resolution was adopted giving ten days' notice for the removal of "sheds, shanties, cabins and houses" erected on "the streets and public squares

of the town of Austin." Moreover, the ayuntamiento gave its attention also to ridding the colony of vagabonds, gamblers and bad characters. It passed a special ordinance on gambling, and promptly arrested a number of men for violating it, fined them the minimum fine for the first offense, and refused to remit the fines. It ordered one "bad character" put in irons until it could decide what to do with him, and gave orders to another to leave the colony without delay under penalty of being similarly dealt with.

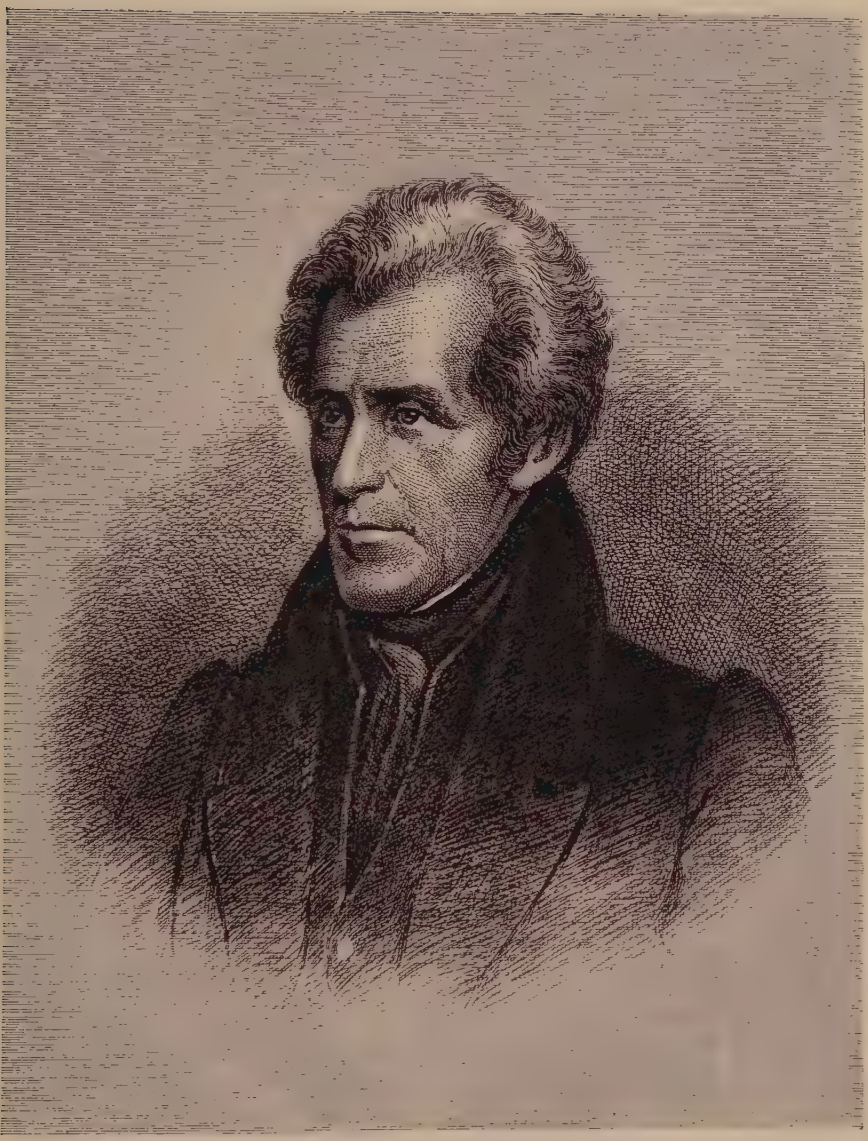
Striking evidence of the temper of the colonists is given with respect to this matter of continuing the policy of Austin in keeping the standard of the community as high as possible. The ayuntamiento took notice of the fact that in two or three instances certain colonists were "harboring bad characters," and that certain others were not conducting themselves entirely as they should. Citing the clause in Austin's contract requiring him to refuse to admit colonists of bad character, the ayuntamiento submitted a list of such persons to Austin, with a request that titles to lands be withheld from them until they had demonstrated that they had changed their ways. In two or three instances names were removed from this list after a few months, evidence having been given that the culprits had reformed.

The ayuntamiento had occasion about this time to deal vigorously with certain horse thieves and murderers. In two instances rewards were offered for the capture of murderers. One of these had escaped after having been captured and, when located by an officer appointed to seek him, was shot down and killed. Two persons found guilty of assisting criminals to escape

were ordered out of the colony and the recommendation made that they be deported from the state. One of these, incidentally, was Noah Smithwick, whose reminiscences have been frequently quoted in this work.

"Business as usual" was undoubtedly in order. The ayuntamiento sent a recommendation to the governor of the state that Ramón Músquiz, the political chief of the department, be reappointed to that office. It even found time to have a controversy with Austin over the land business of the colony, but upon Austin's request it addressed a letter to the political chief of the department, urging that a land commissioner be appointed to provide titles for those colonists who had not yet received them. This had become doubly important since the federal government had reversed the colonization policy. "Inasmuch as it is well known," read this order of the ayuntamiento, "that there are a great number of families now within the municipality that have been admitted by the said empresario as colonists under his contract, and who have not yet, for the want of a commissioner, been put in legal possession of the lands they occupy and inasmuch as great anxiety is expressed by the settlers for the appointment of a commissioner to permanently and legally establish them, the ayuntamiento orders that an official letter be addressed to the chief of the department, urging in strong terms the immediate appointment of a commissioner to put in legal possession of their lands those settlers under the contracts of the empresario Austin who are now here and have not received their titles of possession."

Not the slightest evidence of resistance or insubordination is to be found in the proceedings of the ayunta-



ANDREW JACKSON.

miento. On the contrary, there are evidences of caution and patriotism. When it was discovered, for example, that George Fisher, who had been made temporary secretary of the ayuntamiento because of his acquaintance with the Spanish language, had been doctoring certain communications to the superior government in translating them from their English originals, and attributing to the ayuntamiento sentiments it had not expressed, this gentleman was dealt with summarily, immediately dismissed, and Terán was notified that he was suspected of being a spy of a party unfriendly to the government.

Finally, at the session of August 2, 1830, the ayuntamiento gave unusual evidence of the patriotism of the colonists in two orders which it adopted and caused to be entered on the minutes. One of these ordered "that the citizens of this municipality be called on for a voluntary subscription in money or produce to create a fund now undertaken by the general government for the purpose of supporting, arming and clothing the national army in case of an invasion by Spanish troops, to be paid in money or country produce." One citizen in each election district in the jurisdiction was named to collect this money, and a committee was appointed to decide on a plan for putting on the "drive."

The other order was for a proper celebration of Independence day, which was approaching. The minutes of the ayuntamiento record it as follows:

"Ordered, that the citizens of this municipality be invited to join this ayuntamiento in the celebration of the anniversary of the National independence on the 16th of September next, and a committee was appointed

to draft the plan of the mode in which said celebration shall take place, to which were named Col. Stephen F. Austin, Samuel M. Williams and George Fisher."

So it was that the colonists in Texas conducted themselves in the face of the drastic provisions of the law of April 6, 1830. Did it mean they were submitting supinely to the verdict of the government that they should be condemned to live in the midst of a growing population of Mexican criminals, with garrisons all around them, and with the frontiers closed against their friends and relatives in the United States? It meant nothing of the kind. The colonists simply were biding their time, and following the very wisest course in the face of the situation.

Meantime in various parts of the republic there were smouldering fires of discontent over the action of Bustamante in ousting Guerrero. Here and there disturbances occurred, only to be put down with an iron hand, however. Bustamante took the shortest way to deal with the dissenters; whoever started trouble was shot! In keeping with this policy, Guerrero himself was shot on February 14, 1831. This caused some genuine sorrow and indignation, and not a little resentment. Guerrero had long been a revolutionary hero. He was a romantic figure during the days of Spanish tyranny, the kind of a figure around which myths were woven. Guerrero dead—a martyr to the cause of the people—might be more dangerous to the established power than Guerrero living. But a living leader was needed. Where was he to be found? It was in this mood that men in different sections of Mexico began to turn their eyes toward Vera Cruz. Santa Anna had saved the

country from Spanish invasion, why could he not now save it from tyranny? But Santa Anna remained quietly in seclusion on his estate and bided his time.

Behind the scenes destiny was at work. Already an event had occurred in a part of the world remote from Mexico and Texas which, while not related to either in the slightest degree, was the beginning of a sequence that would affect the course of the history of both. The colonization of Texas had been the inevitable result of Moses Austin's misfortunes. When the panic of 1818 swept away all he possessed he had turned again, empty-handed, to the wilderness, and Spain. The opening months of the year 1829 brought misfortune to another man. Tongues were wagging with scandal in the state of Tennessee. The wife of the governor of the state—a bride of a few months—had left her husband and returned to the home of her father. The governor was a candidate for reelection. No explanation of the estrangement had been given the public, either by the governor or his wife. The governor's political enemies, however, supplied explanations to suit their purposes. Indignation over the governor's alleged conduct began to spread, and there were even threats of violence. His friends rallied to his support, but he would say nothing to defend himself. "My lips," he declared, "are sealed!" Finally, on April 16, 1829, he sent his resignation to the secretary of state. Then, in the dead of night, he left the capital in disguise and disappeared.

On the Arkansas river, in the northern section of the territory just across the Red river from Texas, the tribes of the Cherokee nation were established, having mi-

grated there from Tennessee. They cast longing eyes into the land of the south beyond the Mexican border. Already many of their brother Cherokees had crossed over and settled in Texas, but they had made no headway toward obtaining a legal grant of lands. For a little while the Cherokees in Texas had dared to harbor the thought of establishing their right to the land through the ordeal of battle. They had even made a compact with Hayden Edwards with that end in view. But that movement had collapsed, and the government had promised to hear their plea for land. Apparently the government had been too busily occupied with other things. The Cherokees in Texas, therefore, waited—sullen and unsatisfied. And, on the American side of the border, their brothers from Tennessee had established themselves. It was toward the villages of the Cherokees in Arkansas territory that the fugitive governor of Tennessee traveled.

The Cherokees had been his friends in his youth. As a son of the frontier he had lived among them as one of their own. In his hour of sorrow and humiliation he was turning again to the wilderness and his boyhood friends. And his friends received him. . . .

Shortly after the disappearance of the governor of Tennessee, Andrew Jackson, President of the United States, wrote a letter. There had been disquieting rumors with respect to the plans of the erstwhile governor, rumors which disturbed Jackson. The letter was addressed to the exile among the Cherokees, and this is what the president wrote:

"It has been communicated to me that you had the illegal enterprise in view of conquering Texas; that

you had declared that you would, in less than two years, be emperor of that country by conquest. I must really have thought you deranged to have believed you had so wild a scheme in contemplation; and, particularly, when it was communicated that the physical force to be employed was the Cherokee Indians. Indeed, my dear sir, I can not believe you have any such chimerical, visionary scheme in view. Your pledge of honor to the contrary is a sufficient guarantee that you will never engage in any enterprise injurious to your country, or that would tarnish your fame."

The president had been given a garbled version of the story. But that letter is historic, for it coupled for the first time on paper the names of Texas and Sam Houston.

APPENDIX

I. *THE TREATY OF 1819.*

II. *AUSTIN'S CIVIL AND CRIMINAL CODES.*

III. *THE OLD THREE HUNDRED.*

IV. *THE LAW OF APRIL 6, 1830.*

§ 1.

THE TREATY OF 1819.

Treaty of Amity, Settlement, and Limits between the United States of America and His Catholic Majesty, Concluded at Washington Februray 22, 1819; Ratification Advised by Senate February 24, 1819; Ratified by President; Ratified by the King of Spain October 24, 1820; Ratification Again Advised by Senate February 19, 1821; Ratified by President February 22, 1821; Ratification Exchanged at Washington February 22, 1821; Proclaimed February 22, 1821.

The United States of America and His Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties have determined to settle and terminate all their differences and pretensions, by a treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.

With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and His Catholic Majesty has appointed the Most Excellent Lord Don Luis de Onis, Gonzales, Lopez y Vara, Lord of the town of Rayaces, Perpetual Regidor of the Corporation of the city Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendee, Knight Pensioner of the Royal and Distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order; of the Council of His

Majesty; His Secretary, with Exercise of Decrees, and His Envoy Extraordinary and Minister Plenipotentiary near the United States of America;

And the said Plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ARTICLE I.

There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens and His Catholic Majesty, his successors and subjects, without exception of persons or places.

ARTICLE II.

His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States, duly authorized to receive them.

ARTICLE III.

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine, in the sea, continuing

north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo at Natchitoches, or Red River; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: All the islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: The United States hereby cedes to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the

above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories forever.

ARTICLE IV.

To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a Commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South Sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicable agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ARTICLE V.

The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those who may desire to remove

to the Spanish dominions shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

ARTICLE VI.

The inhabitants of the territories which His Catholic Majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

ARTICLE VII.

The officers and troops of His Catholic Majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this treaty, or sooner if possible, by the officers of His Catholic Majesty to the commissioners or officers of the United States duly appointed to receive them; and the United States shall furnish the transports and escorts necessary to convey the Spanish officers and troops and their baggage to the Havana.

ARTICLE VIII.

All the grants of land made before the 24th of January, 1818, by His Catholic Majesty, or by his lawful authorities, in the said territories ceded by His Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same

extent that the same grants would be valid if the territories had remained under the dominion of His Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of His Catholic Majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

ARTICLE IX.

The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty.

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1820.

(2) To all claims on account of prizes made by French privateers, and condemned by French Consuls, within the territory and jurisdiction of Spain.

(3) To all claims of indemnities on account of the

suspension of the right of deposit at New Orleans in 1802.

(4) To all claims of citizens of the United States upon the Government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

(5) To all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the Minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty.

The renunciation of His Catholic Majesty extends—

(1) To all injuries mentioned in the convention of the 11th of August, 1802.

(2) To the sums which His Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

(3) To all injuries caused by the expedition Miranda, that was fitted out and equipped at New York.

(4) To all claims of Spanish subjects upon the Government of the United States arizing from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally to all the claims of subjects of His Catholic Majesty upon the Government of the United States in which the interposition of his Catholic Majesty's Government has been solicited, before the date of this treaty, and since the date of the convention of 1802, or which may have been made to the department of

foreign affairs of His Majesty, or to His Minister in the United States.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American Army in Florida.

ARTICLE X.

The convention entered into between the two Governments, on the 11th of August, 1802, the ratifications of which were exchanged the 21st December, 1818, is annulled.

ARTICLE XI.

The United States, exonerating Spain from all demands in future, on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three Commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, which commission shall meet at the city of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon

the amount and validity of all the claims included within the descriptions above mentioned. The said Commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness, or necessary absence of any such commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States, during the recess of the senate, of another Commissioner in his stead. The said Commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795; the said documents to be specified, when demanded, at the instance of the said Commissioners.

The payment of such claims as may be admitted and adjusted by the said Commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their treasury, or by the creation of stock, bearing an interest of six per cent per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the congress of the United States may prescribe by law.

The records of the proceedings of the said Commissioners, together with the vouchers and documents pro-

duced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the department of state of the United States; and copies of them, or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish Minister in the United States.

ARTICLE XII.

The treaty of limits and navigation, of 1795, remains confirmed in all and each one of its articles excepting the 2, 3, 4, 21, and the second clause of the 22d article, which having been altered by this treaty, or having received their entire execution, are no longer valid.

With respect to the 15th article of the same treaty of friendship, limits, and navigation of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those Powers who recognize this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Government acknowledges this principle, and not of others.

ARTICLE XIII.

Both contracting parties, wishing to favour their mutual commerce, by affording in their ports every necessary assistance to their respective merchant-vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the Consul, who shall prove,

nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation; that is to say, the American Consul in a Spanish port shall exhibit the document known by the name of articles, and the Spanish Consul in American ports the roll of the vessel; and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

ARTICLE XIV.

The United States hereby certify that they have not received any compensation from France for the injuries they suffered from her privateers, Consuls, and tribunals on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

ARTICLE XV.

The United States, to give to His Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favour the commerce of the subjects of His Catholic Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or

higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

ARTICLE XVI.

The present treaty shall be ratified in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

In witness whereof we, the underwritten Plenipotentiaries of the United States of America and of His Catholic Majesty, have signed, by virtue of our powers, the present treaty of amity, settlement, and limits, and have thereunto affixed our seals, respectively.

Done at Washington this twenty-second day of February, eighteen hundred and nineteen.

JOHN QUINCY ADAMS (L. S.)
LUIS DE ONIS (L. S.)

§ 2.

AUSTIN'S CIVIL AND CRIMINAL CODES.

When Stephen F. Austin began the organization of his colony, after his return from Mexico in 1823, he was faced with the necessity of providing the colonists with laws for their government. There were no precedents to follow and he was without anything to guide him. He had no choice but to write the laws himself and have them approved by the Mexican authorities. He drew up two sets of regulations, civil and criminal, and upon their formal approval by the political chief of Texas, these two codes became the laws of the colony. The colony was governed by these laws until February 10, 1828, when constitutional government was established in the jurisdiction of Austin. The full text of these two codes is given here:

CIVIL REGULATIONS.

Charged by the superior authorities of the Mexican nation with the administration of justice in this colony until its organization is completed, and observing that much difficulty and confusion arise from the want of copies of the laws and forms which regulate judicial proceedings before the alcaldes—it having been impracticable as yet to obtain them with translations—I have thought proper, in order to remedy these embarrassments and to establish an uniform mode of process before the alcaldes throughout the colony, to form provisionally, and until the supreme government directs otherwise, the following regulations:

Article 1. There shall be appointed by the judge of

the colony an alguazil (sheriff) to serve the process and execute the decrees of the said judge, and also a constable for each district to serve the process of the alcaldes, who shall, before they enter upon the duties of their office, take an oath to support the constitution of the Mexican nation and faithfully to discharge the duties of their office. The alguazil shall give bond, with at least two securities, in the sum of one thousand dollars, and the constable shall give bond and security in the sum of five hundred dollars, each conditioned faithfully to account for and pay over all money collected by them according to law; the securities of the alguazil and constable shall be approved of by the alcaldes, subject to the revision of the judge, which bond shall be in form following: "We, or either of us, promise to pay to the judge of Austin's colony the sum of one thousand dollars, or five hundred dollars (as the case may be), for the payment of which we bind ourselves, our heirs, and assigns. The condition of the above obligation is such that whereas L. M., one of the parties to this bond, has been appointed alguazil (or constable, as the case may be) of the district of —— in said colony; now, therefore, should the said L. M. well and truly execute and discharge the duties of said office of alguazil (or constable, as the case may be) and pay over all moneys collected by him in his official capacity according to law, then this bond shall be null and void; otherwise to be in full force. "Witness: A. B., Alcalde."

Art. 2. The alcalde of each district shall keep a docket or register of all his official acts, which shall be headed, "Docket of the District of —— during the administration of ——, alcalde of said district for the

year ——," which shall be certified at the end in the form following: "I certify that the foregoing docket, composed of —— pages, contains a true record of all my official proceedings as alcalde of the district of ——, in the year ——. A. B., Alcalde." Which docket, thus certified, shall be delivered by the alcalde to his successor in office, together with all the official papers and a transcript of all the suits and other unfinished business then pending, all which shall be finished by the alcalde in its regular order; and should a vacancy occur in the office of alcalde before the regular term of service expires, the new alcalde appointed to fill said vacancy shall immediately take possession of said docket and of all the official papers.

Art. 3. Any person having cause of complaint against another within the jurisdiction of an alcalde must present a written petition to the alcalde of the proper district, stating in a short but clear manner the cause and nature of his complaint, to which the alcalde will attach a summons in the form following: "Austin Colony, District of ——. The constable of said district is commanded to summons the above-named C. D., if to be found in the above district, to appear before me, A. B., Alcalde of said district, at my office (or wherever the suit is to be tried), between the hours of nine o'clock a. m. and three o'clock p. m., on the —— day of ——, to answer the above complaint of E. F., and on or before that day this summons and the proceedings thereon, must be returned to my office. Given this —— day of ——. A. B., Alcalde."

Art. 4. The alcalde will fix the return day of the summons at his discretion, according to the situation of

the parties or peculiar circumstances of the case, allowing a reasonable time for the service of the summons and the attendance of the parties. The summons must be served by the constable at least five days before the return-day, allowing, in addition, one day for every fifteen miles' travel to the place where the summons is made returnable.

Art. 5. The constable, in serving the summons, shall read to defendant the complaint and the summons, in order that he may know what he has to answer to.

Art. 6. Should defendant be absent from the district, it shall be a lawful summons to leave a copy of the complaint and summons, certified by the constable, at defendant's house, or last place of residence, with some one of his white family.

Art. 7. Should defendant not appear, either in person or by agent, on the day appointed for the return of the summons, judgment by default may be entered against him by the alcalde, at his discretion, according to the circumstances of the case, and a notice shall then be issued by the alcalde, and served on him by the constable in form following: "District of ——, judgment by default was entered in my office, on the —— day of ——, against C. D. in favor of E. F., for the sum of $—— and costs of suit; the constable of said district is therefore commanded to notify said C. D. that unless he appears before me, at my office, on the —— day of ——, between the hours of nine o'clock a. m. and three p. m., and shows cause why said judgment should not be final, execution will issue thereon, at which time and place this notice and the proceedings thereon must be returned. Given under my hand this —— day of ——.

A. B., Alcalde," which notice shall be served in the same manner as in a case of a summons. The cost of said notice and of the service thereof shall in all cases be paid by defendant.

Art. 8. Should the plaintiff not appear either in person or by agent on the day appointed, the suit shall be dismissed at his cost.

Art. 9. On the appearance of the parties either in person or by agent, it shall be the duty of the alcalde to try, in the first place, to effect an amicable compromise between them; should this be ineffectual, and the sum in dispute is over ten dollars, he shall demand whether either of the parties wish for an arbitration, and if neither of them wish it, the alcalde shall then proceed to determine the case according to evidence, and give judgment.

Art. 10. If the sum in dispute exceeds ten dollars, and either party demands an arbitrator, the alcalde shall direct each of them to choose one arbitrator. He shall then at his discretion appoint a day for trial, so as to allow a reasonable time for the arbitrators and witnesses to attend, and issue a summons for the arbitrators, to be served by the constable in the form following: "District of ——, E. F. versus C. D. The constable of said district is commanded to summon G. H. and J. K. to appear before me, at my office (or wherever the case is to be tried), on the —— day of ——, between the hours of nine o'clock a. m., and three o'clock p. m., to serve as arbitrators in the above suit, at which time and place this summons and the proceedings thereon must be returned to me. Given, etc. A. B., Alcalde."

Art. 11. No person can be an arbitrator who is re-

lated to either party nearer than the fourth degree, or who is in any manner interested in the event of the suit, directly or indirectly, or who is notoriously a man of bad character.

Art. 12. Any person summoned as an arbitrator shall serve, unless excused by the alcalde, under the fine of ten dollars.

Art. 13. The arbitrators shall receive fifty cents, and five cents mileage going and returning, to be taxed with the other costs.

Art. 14. On the appearance of the arbitrators at the time and place appointed, the alcalde shall first swear the arbitrators to answer truly to such questions as he may ask, and the alcalde shall then put the following interrogations to each of them: "Are you related to either of the parties in this case nearer than the fourth degree?" "Are you in any manner interested in the event of this suit, directly or indirectly?" And should it appear to the satisfaction of the alcalde that neither of them were related to either party, nor interested in the event of the suit, nor were of infamous character, he shall swear them impartially to try and determine the suit or controversy then pending between E. F. and C. D., and to give a true verdict according to evidence. The alcalde shall then swear the witnesses, and in conjunction with the arbitrators proceed to hear the evidence and decide the case; any two of them concurring shall be sufficient to give a verdict, on which judgment shall be entered by the alcalde. Should the arbitrators not attend, or be rejected for cause, others shall be named and summoned, and a new day of trial appointed.

Art. 15. The alcalde may, at his discretion, postpone

a case and appoint a new day of trial for want of evidence, on either party's showing on oath, to the satisfaction of the alcalde, that due diligence has been used to procure his evidence; provided that said postponement shall be at the cost of the party applying for it.

Art. 16. The jurisdiction of the alcaldes shall extend to all sums under two hundred dollars; sums over that amount will be decided by the judge of the colony.

Art. 17. The decision of the alcalde alone shall be final in all sums under ten dollars, and in all sums over ten and under twenty-five, the decision of the alcalde alone (if no arbitrator was demanded), or of the arbitrators if they were called on, shall also be final.

Art. 18. The judgment shall in all cases conform, as nearly as practicable, to the contract of the parties; that is, if the contract is for money, the judgment be for money, and if property, or a specific kind of property, the judgment must be entered accordingly, always taking into consideration the value of the property at the time the debt was due, and the loss sustained by not receiving it according to contract; and the execution must issue for so much in cash, or so much in property, according to the judgment and the circumstances of the case.

Art. 19. Stay of execution may be allowed by the alcaldes, at their discretion, according to the situation of the parties or the peculiar circumstances of the case on giving good security as follows: On all sums under twenty-five dollars, twenty-five days; on all sums over twenty-five dollars and under fifty dollars, forty days; on sums over fifty dollars and under seventy-five dollars, sixty days; on sums over seventy-five dollars and under

one hundred dollars, eighty days; on sums over one hundred dollars and under one hundred and fifty dollars, one hundred days; and on sums over one hundred and fifty dollars, one hundred and twenty days. The alcaldes may at their discretion allow ten days for the party to procure the securities for stay of execution.

Art. 20. Either party shall have the right of appealing from the decision of the alcalde where the sum exceeds twenty-five dollars, by giving at least two good and sufficient securities, to be approved by the alcalde, subject to the revision of the judge of the colony, for double the amount of the judgment and costs. The party wishing to appeal shall notify the alcalde thereof when the judgment is declared, and ten days may then be allowed him at the discretion of the alcalde to procure his securities. The alcalde shall enter on his docket that the party had given notice of his intention to appeal, and shall write an appeal-bond in form following: "We, or either of us, promise to pay the sum of $—— to E. F., for the payment of which we bind ourselves, our heirs, and assigns. The condition of the above obligation is such that whereas the said E. F. obtained a judgment against C. D., one of the parties to this bond, before A. B., Alcalde for the District of ——, in Austin's Colony, on the —— day of ——, for the sum of $—— debt and damages and —— dollars costs of suit, from which judgment said C. D. appeals; now, therefore, should the said C. D. prosecute said appeal and fully execute and comply with the judgment which the judge of this colony may give on said appeal, and pay to the said E. F. the amount of money or property awarded to him by the judgment of said judge,

together with the costs of suit, then this obligation to be null and void, otherwise to be in full force. Given under our hands this —— day of ——. Witness, A. B., Alcalde." And should the plaintiff appeal, the bond shall be taken for double the amount of the costs already accrued, and conditioned to abide by the final judgment of the judge of the colony. The Alcalde shall then enter upon his docket the date and amount of the bond and the names of the securities, and shall make out a transcript of all the proceedings in the case and send them up within twenty days, together with the appeal-bond and all the depositions and papers of the case, in a sealed packet, to the judge of the colony. Should the judge of the colony decide that the appeal was entered for frivolous causes for the object of delay, he shall condemn the appellant to pay the appellee twenty per cent damages on the amount of the judgment.

Art. 21. Should no stay of execution nor appeal be entered, an execution shall issue returnable at the discretion of the alcalde within sixty days, which execution shall be in the form following: "Austin's Colony, District of ——, E. F. versus C. D. The constable of said district is hereby commanded to seize and expose to public sale, according to law, the property of C. D., the defendant in the above suit, or so much thereof as may be necessary to pay E. F., the plaintiff in the above suit, the sum of $—— and costs of suit, being the amount of a judgment entered in my office on the —— day of —— against C. D. in favor of E. F.; and should the said C. D. have no property, the constable is commanded to take the body of said C. D. and bring him to me at my

office. This execution and proceedings thereon must be returned to my office within —— days. Given this —— day of ——."

Art. 22. The constable shall, as soon as may be after the receipt of said execution, levy upon and seize as much property of the person against whom it is issued as will be sufficient to satisfy the debt and costs, and shall then advertise the same for sale, giving at least thirty days' notice in case of real property, negroes, or imperishable property, and at least ten days' notice in the case the property is of a perishable nature or is in danger of being destroyed or lost by longer delay; which notice shall be posted up in at least four of the most public and conspicuous places in the district.

Art. 23. In case no property belonging to defendant can be found by the constable and his body should be seized, the alcalde shall examine into his circumstances, and should it appear to the satisfaction of the alcalde that defendant has not fraudulently conveyed his property out of his hands, or concealed it to elude the payment of his just debts, he shall discharge him; but should it appear to the satisfaction of the alcalde that defendant has fraudulently conveyed away or concealed his property, then in such case the alcalde may at his discretion hire out the defendant to the highest bidder until his wages paid the debt.

Art. 24. Should any one make oath to the satisfaction of the alcalde that any person was justly indebted to him in a specific sum then due or due at some future period, and that said person was about to abscond or remove from the colony, or was about to remove his property, so that the debt was in danger of being lost, the alcalde

may at his discretion issue an attachment returnable forthwith to seize the property of the person thus about to remove or abscond, or to seize his person and detain said property or the person until a judgment and execution should issue in the case; provided that said attachment may be raised and the property and person released on giving good and sufficient appearance bail, to be approved by the alcalde, and provided that the person suing out said attachment gives sufficient security to indemnify the defendant, should it appear that the attachment was sued out without just cause.

Art. 25. Should it appear to the alcalde that any person who was security for the stay of execution, or security on an appeal-bond, or in a special bail-bond, or security for a constable, was about to abscond, or remove from the colony, or was about to remove his property so that it could not be come at in the event of its becoming liable, he may at his discretion detain such person or said property until other and satisfactory security was entered.

Art. 26. Should any person make oath to the satisfaction of the alcalde that any one was about to remove out of this colony and property to which such person had the legal possession for the time being, but not a legal title, and that such property was in danger of being lost to its legal owner by such removal, the alcalde may at his discretion cause such person to appear forthwith before him with the said property, and compel him to give up said property to its legal owner, or give security that it should not be removed out of this colony.

Art. 27. In all cases where the cause of action accrued out of this nation, neither party being a citizen or in-

habitant of this nation at the time when the debt was contracted, application must be made to the judge of the colony.

Art. 28. In case the right of property should be disputed, the alcalde shall summon the parties to appear before him and decide the case.

Art. 29. The alcalde may at his discretion appoint one regular court day per month, and make all summonses returnable accordingly.

Art. 30. The following is established as the fee-bill of the several officers mentioned.

ALCALDE'S FEES.

Issuing a criminal warrant	4 bits
For a forthwith summons	3 "
Subpoena	2 "
Summons	2 "
Subpoena for arbitration	2 "
Judgment	3 "
Entering stay of execution	2 "
Entering appeal and writing appeal-bond	8 "
Issuing execution	2 "
Entering special bail and taking bond in case of attachment	3 "
Do. recording, for every 100 words	½ "

ALGUAZIL AND CONSTABLE FEES.

Serving a criminal warrant	8 bits
Serving a forthwith warrant	4 "
Summons	2 "
Subpoena	2 "
Summoning arbitrators or jury	3 "
Mileage going and returning	5 cents a mile

Levying an execution 2 bits
Selling property and collecting money,
4 per cent on sums under $200—and
1 per cent on every $100 after.

Given at the town of San Felipe de Austin, in the province of Texas, this 22d day of January, 1824, fourth year of independence and third year of the liberty of the Mexican nation.

STEPHEN F. AUSTIN.

ADDITIONAL ARTICLES DICTATED BY THE POLITICAL CHIEF OF THE PROVINCE OF TEXAS.

Article 31. Should any person take up a stray animal that appears to have been owned by some one, he shall within eight days give notice thereof to the alcalde of the district, in writing, together with a full description of the stray, its marks and brands, which written description must be certified to be correct by at least two disinterested witnesses. The alcalde shall enter said notice in his record-book and immediately advertise the same; and should no owner appear within six months to claim said stray, the alcalde shall sell it at a public sale and deliver the proceeds to the political chief of the colony, to be deposited in the funds of the colony, to be paid over to the legal owner if called for within one year, and if not called for in that time, to be applied to public uses. There shall be allowed to the person who takes up a stray one dollar if it is a horse or mare, one dollar and a half if it is a mule, and half a dollar if it is a yearling, and a reasonable compensation for taking up the stray, to be decided by the alcalde.

Art. 32. Each person will choose his own mark or

brand, and enter it on record in the office of the alcalde of the district, who may receive twenty-five cents therefor; and a person who has thus recorded his mark or brand shall have the preference thereto over any other; and should another settle near him with a similar mark or brand, the alcalde may compel him to alter it.

STEPHEN F. AUSTIN.

San Felipe de Austin, May 23, 1824—4th and 3d.

In the town of San Felipe de Austin, 24th May, 1824. José Antonio Saucedo, first member of the most excellent deputation, and political chief of the province of Texas, having seen the thirty-two articles which are contained in the foregoing regulations, and informed of their contents by means of the translation which I have received of them in the Spanish language, and considering how important the observance of all and each one of them is for the preservation of good order in this new colonial establishment, I have approved them, as by this decree I do approve them, in order that they may provisionally and temporarily govern; and in all cases that may occur, all the territorial authorities shall be regulated by them in this district until sanction and circulation are given to the Constitution and general laws of the government, and particularly those of the state; ordering that after having published them in customary form copies shall be made, authorized by the principal judge, Stephen F. Austin, and delivered to the respective alcaldes for their observance and compliance.

By this act I order it, and have signed it in presence

of two witnesses, for the want of a secretary, as is required in such cases, and to this I give full faith.

JOSE ANTONIO SAUCEDO.

Witnesses:

DAVID MCCORMICK.

JOHN AUSTIN.

CRIMINAL REGULATIONS.

TO ALL PERSONS:—Charged by the superior authorities of the Mexican nation with the government of this colony until its organization is completed, and observing that the public peace and safety of the settlers is jeopardized by the pilfering depredations of strolling parties of Indians and robbers, and also that the good order of the colony is endangered by the introduction and transit of men of bad character and its good morals scandalized by their irregular conduct, I have thought proper, in order more effectually to insure good government, security, and tranquillity, to decree as follows:

Art. 1. On the appearance of any Indian or Indians in the neighborhood of any of the settlements of this colony, whose conduct justifies a belief that their intentions are to steal, or commit hostilities, or who threaten any settler, or are rude to women or children, it shall be the duty of all and every person to take such Indian or Indians into custody, if in his or their power to do so, and convey them forthwith to the nearest alcalde, or captain of militia, avoiding the use of arms in all cases, unless compelled to resort to them.

Art. 2. In case the Indian or Indians mentioned in the last article should be so numerous as to require a strong party to take them, and the men in the immediate

neighborhood are insufficient, it shall be the duty of the persons who first discovered them, or who are the most interested in their removal, to give notice thereof to the nearest captain of the militia; and should it appear probable to said captain that said Indians are of suspicious character, or that they have behaved improperly, he shall forthwith call out as many men as may be necessary to pursue and take said Indians prisoners, always avoiding the use of arms, if possible.

Art. 3. The alcalde or captain before whom said Indians are brought shall examine them, hearing testimony as to their conduct; and should it appear that said Indians are of a suspicious character, or that they live at a distance and are rambling through the province without license from the proper authority, and under suspicious circumstances, it shall be the duty of the said alcalde or captain to order said Indians to depart immediately from the neighborhood of all the settlements of this colony under the penalty of receiving severe chastisement if taken under similar circumstances a second time, and they shall be sent under guard beyond the settlement or delivered to the chiefs of their nation, who shall be informed of the circumstances of the case and admonished to keep their men at home.

Art. 4. Should it appear on examination as aforesaid that said Indians had been rude to or ill-treated any settlers without cause of provocation, it shall be the duty of said alcalde or captain to punish said Indian or Indians according to the nature of the offence, with any number of lashes not exceeding twenty-five, and, if deemed necessary, send them under guard beyond the

limits of the settlements or deliver them to the chiefs of their nation, giving an account of their conduct and the punishment they had received.

Art. 5. No person within this colony shall ill-treat or in any manner abuse any Indian or Indians without just cause, under the penalty of one hundred dollars' fine for the first offence, and two hundred dollars for the second, but shall treat them at all times and in all places in a friendly, humane, and civil manner so long as they deserve it.

Art. 6. Should any murder, theft, robbery, or other depredations be committed, it shall be the duty of any person to apprehend the criminal or criminals concerned in it, if in his or their power to do so, and convey him or them to the nearest alcalde, for which purpose they are authorized to use arms. If the criminal or criminals have fled or are in force, information shall be given on oath to the nearest militia officer or alcalde, who shall forthwith raise men and follow the criminal or criminals, and should he or they be overtaken and refuse to surrender or attempt to escape by flight, the officer in command may order his men to fire on and kill said criminal or criminals, he being always responsible for the death or ill-treatment of an innocent person. The prisoners shall be brought in and delivered to the alcalde of the district for trial, and the stolen property recovered shall also be delivered to the said alcalde to be returned to the legal owners; and should any property be taken belonging to the criminal or criminals, it shall also be delivered to the alcalde, who shall immediately send an inventory thereof, together with an exact ac-

count of all the proceedings in the case, to the superior judge of the colony.

Art. 7. No gambling of any description, under any pretext or name, shall be permitted in this colony, and the person or persons who violate this article shall be fined, on conviction thereof, in a sum not less than twenty nor more than two hundred dollars; and, moreover, shall forfeit the wheel, table, cards, or other instrument, thing, or machine used for gambling; and the person who permits any gambling in his house or on his premises shall be fined in a sum of not less than twenty nor more than two hundred dollars.

Horse-racing being calculated to improve the breed of horses is not included in the above prohibition, but no debt contracted thereby shall be recoverable in law.

Art. 8. Profane swearing and drunkenness are misdemeanors against the good morals and good order of the colony, and any person convicted thereof shall be fined in a sum not less than one dollar and more than ten. Any person convicted of habitual drunkenness shall, moreover, be liable to be imprisoned in the common jail, any number of hours not exceeding forty-eight. The alcalde shall execute and carry into full effect this article without first sending the proceedings to the superior judge, as is provided in the nineteenth article.

Art. 9. Living publicly with a woman as man and wife without first being lawfully united by the bands of matrimony is a gross violation of the laws of this nation, and a high misdemeanor, and the man or woman who is convicted thereof shall be fined in a sum not less than one hundred dollars nor more than five hundred, and be liable to be condemned to hard labor on public works

until the superior government of the province decides the case. This article is not to take effect as regards the cases that now exist until sixty days after the arrival of the curate of this colony.

Art. 10. No person within this colony shall harbor or protect any runaway slave belonging to any person within this colony, or out of it, but shall immediately give information or deliver said slave to his owner, or to an alcalde, if the slave belongs within this colony, and to the superior judge, if such slave is from a foreign country, or any part of the nation. Any person who violates this article shall, on conviction thereof, pay all the damages which the owner of such slave may sustain in consequence of the loss of his labor, and shall, moreover, be finable in any sum not exceeding five hundred dollars, and be condemned to hard labor on public works until the superior government decides on the case.

Art. 11. Any person who shall be convicted of stealing any slave or slaves, or enticing, or inducing them to run away, shall be fined in a sum not exceeding one thousand dollars, and be condemned to hard labor on the public works until the superior government decides on the case.

Art. 12. Any slave who shall steal any money or property shall, on conviction thereof, be punished with any number of lashes not less than ten nor more than one hundred, and the property shall be returned; the owner or his agent shall be notified to attend at the trial. Should the owner or his agent not wish to have the slave whipped, he shall have the privilege of preventing it by paying three times the amount of the property stolen, one-third of which shall go to the owner of the prop-

erty and the other two-thirds to public uses; the master to pay the costs.

Art. 13. And it shall be the duty of every person who shall find any slave from his master's premises without a pass from his master or overseer to tie him up and give him ten lashes; and should the appearance of such slave justify the belief that he had run away it shall be the duty of the person who takes him up to deliver him to his owner or overseer or to the nearest alcalde, who shall immediately notify the master thereof, and the said owner or his agent shall in such cases pay to the person apprehending said negro, and to the alcalde, should said slave be delivered to him, all reasonable costs and expenses.

Art. 14. No person shall trade or traffic with any slave without permission from the owner or his agent, under the penalty of paying a fine of not less than twenty-five nor more than one hundred dollars, and also of paying treble the amount of the property purchased from such slave, should it appear that it had been stolen.

Art. 15. Any person who shall be convicted of stealing any money, horse, or other property shall pay treble the amount of the property stolen, and be condemned to hard labor on public works until the superior government decides on the case.

Art. 16. Any person who shall wilfully or maliciously assault another, or who shall maim, beat, abuse, or ill-treat him or her, shall, on conviction thereof, be fined in any sum not exceeding one hundred dollars, and be liable to imprisonment not exceeding three months, and shall, moreover, give security for his good behavior, and also be liable in a suit for damages to the person injured.

Art. 17. Any person who shall falsely and maliciously slander another shall, on conviction thereof, be fined in a sum not less than ten nor more than one hundred dollars, and shall, moreover, be liable in a civil suit to the party injured.

Art. 18. Any person who shall introduce into this colony any counterfeit paper or metal money, whether of this nation or any foreign nation, or who shall pass or attempt ot pass any such money, knowing or believing it to be counterfeit, shall, on conviction thereof, pay a fine of double the amount of the money introduced or passed, or attempted to be passed, and shall, moreover, be condemned to hard labor on public works until the superior government decides on the case.

Art. 19. Should it come to the knowledge of any alcalde that any person has been guilty of crime, gross immorality, breach of the peace, or other violation of the laws or of this decree, he shall forthwith cause such person to appear before him, and make a complete record of the testimony and proceedings in the case, compelling the attendance of witnesses on both sides, or issuing a commission to take depositions, where the witnesses live without the district, and taking the declaration of the accused in writing, which record, together with the opinion of the alcalde and the verdict of a jury of six disinterested and honest men who shall be summoned and sworn by said alcalde to decide on the facts of the case shall be sent up to the superior judge as soon as possible for final judgment. The prisoner shall have the right of sending, to said superior judge his defence in writing or should he be unable to write or have no friend to do it for him the alcalde shall cause what he

may dictate to be written. Should it appear that the crime is capital, or of a nature to deserve corporal punishment, such alcalde shall detain the accused as a prisoner and cause him to be guarded, and if necessary put him in irons or in stocks until judgment is finally pronounced, for which purpose, and until a jail is provided, the alcalde is hereby authorized to summon men as a guard, who shall serve and be responsible for the prisoner, under the penalty of a fine imposed by the seventh article of the instructions, given by order of the governor of this province to the alcaldes on the 26th day of November, 1822. And should the offence not merit corporal punishment, the said alcalde may at his discretion release the prisoner on bail, subject to appear and abide by the final judgment in the case.

Art. 20. Should it come to the knowledge of any alcalde that a person of bad character, a vagabond, or a fugitive from justice is within the limits of his district, either as a traveler or resident inhabitant, it shall be the duty of such alcalde to cause such person to appear forthwith before him to answer to such accusation, and to such interrogatories as the alcalde may deem proper to put; and after recording the evidence on both sides, and the interrogatories and answers, the said record, together with the opinion of the alcalde and the defence of the person, shall be sent up to the superior judge for final judgment, and the alcalde may detain such person as a prisoner until a final decision, should it appear that the public security and common good require it.

Art. 21. Any person who shall oppose the administration of justice or prevent the execution of any legal process, order, or decree, or shall insult or abuse any

alcalde, or other officer, while in the exercise of his official duties, shall, on conviction thereof before the alcalde, be fined by him in any sum not exceeding fifty dollars, and be imprisoned not exceeding one month; and should the case be a flagrant one, he shall, moreover, be liable to a criminal prosecution, and, on conviction, be condemned to hard labor on public works until the superior government decides on the case.

Art. 22. In all cases where a person fined is unable to pay said fine, or to give security therefor, he shall be condemned to labor on public works until his wages at the usual rate allowed in the country will amount to said fine.

Art. 23. In all criminal cases, the party convicted shall pay all the costs, for which purpose his property may be seized and sold under an execution from the alcalde of the district.

Art. 24. All writs, warrants, and executions in criminal cases shall be issued in the name of the Mexican nation.

Art. 25. Should any piratical or other vessels of a doubtful or suspicious character appear on the coast, or enter any river or inlet within this colony, it should be the duty of the person or persons who discovers them to give immediate information to the nearest alcalde, or to the political chief of the colony.

Art. 26. All fines shall be applied by the alcalde, under the direction and superintendence of the superior judge, to the use of schools and other public purposes; and that this decree may arrive at the notice of all, I have caused it to be published and posted in the most public places, hereby ordering and commanding all civil

and militia officers and inhabitants of this colony to enforce and obey it under the pains and penalties prescribed by the laws in such cases.

Given at the town of San Felipe de Austin, in the province of Texas, this 22d day of January, 1824, fourth year of the independence and third of the liberty of the Mexican nation.

STEPHEN F. AUSTIN.

(Approved by the political chief of Texas in the same manner as in the civil regulations, and at the same time.)

§ 3.

THE OLD THREE HUNDRED.

The colonists settled under the terms of Austin's first contract came to be known as "The Old Three Hundred," because the contract was for the introduction of 300 families. The actual number of families introduced under it, however, was 297. Nine families received two titles each. The table given below is an adaptation of one compiled from the records of the General Land Office at Austin, Texas, by Lester G. Bugbee, and published in the Texas Historical Quarterly for October, 1897 (Volume I). It gives the names of the colonists, the amount of land received by each, the present county in which the land is located, and the date the title was issued. A labor of land was about 177 acres, and a sitio, or league, about 4,428 acres.

NAME	AMOUNT		LOCATION	Date of Title
	Sitios	Labors	Present County	
Allcorn, Elijah	1		Fort Bend	July 10, 1824
	½		Washington	July 10, 1824
		1	Waller	July 10, 1824
Allen, Martin	1		Wharton	July 19, 1824
		1	Austin	July 19, 1824
Alley, John	1		Jackson and Lavaca	May 14, 1827
Alley, John	1		Fayette	May 16, 1827
Alley, Rawson	1½		Colorado	Aug. 3, 1824
Alley, Thomas Alley, William	1		Brazoria	July 29, 1824
Alsbury, Charles G. Alsbury, Harvey Alsbury, Horace	1½		Brazoria	Aug. 3, 1824

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Alsbury, Thomas	2		Fort Bend and Brazoria	July 8, 1824
		1½	Waller	July 8, 1824
Anderson, S. A.	1		Fayette	Aug. 10, 1824
Andrews, John	1		Fayette and Colorado	July 7, 1824
		1	Waller	July 7, 1824
Andrews, William	1		Fort Bend	July 15, 1824
		1	Fort Bend	July 15, 1824
Angier, Samuel T.	1		Brazoria	Aug. 16, 1824
Angier, Samuel T.		1	Brazoria	Aug. 24, 1824
Austin, John	2		Harris	July 21, 1824
Austin, John		1	Brazoria	Aug. 24, 1824
Austin, Santiago E. B.	3		Brazoria	Aug. 19, 1824
		1	Brazoria	Aug. 19, 1824
Austin, Santiago B.		1	Waller	Aug. 24, 1824
Austin, Estevan F.	5		Brazoria	Sept. 1, 1824
	7½		Brazoria	Sept. 1, 1824
	⅓		Brazoria	Sept. 1, 1824
	½		Brazoria	Sept. 1, 1824
	¼		Brazoria	Sept. 1, 1824
	1¾		Brazoria	Sept. 1, 1824
	2⅙		Brazoria	Sept. 1, 1824
	3⅙		Wharton	Sept. 1, 1824
	2		Wharton	Sept. 1, 1824
		3	Brazoria	Sept. 1, 1824
Baily, James B.	1		Brazoria	July 7, 1824
Balis, Daniel E.	1		Matagorda	April 14, 1828
Baratt, William	1		Fort Bend	June 4, 1827
Barnet, Thomas	1		Fort Bend	July 10, 1824
Battle, M. M.	1		Matagorda	Aug. 10, 1824
Battle, Mills M.	1		Fort Bend	May 31, 1827
Beard, James	1		Fort Bend	Aug. 10, 1824
Beason, Benejani	1		Colorado	Aug. 7, 1824
Belknap, Charles	1		Fort Bend	May 22, 1827
Bell, Josiah H.	1½		Brazoria	Aug. 7, 1824

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Bell, Thomas B.	1		Brazoria	Aug. 16, 1824
Berry, M.		(Part	ner of M. M. Battle)	
Best, Isaac	1		Waller	Aug. 19, 1824
Betts, Jacob	1		Matagorda	Aug. 19, 1824
Biggam, Fras.	1		Wharton	July 10, 1824
	1		Brazoria	July 10, 1824
		1	Waller	July 10, 1824
Bloodgood, Wm.	1		Chambers and Harris	Aug. 10, 1824
Boatwright, Thomas	1		Austin	July 27, 1824
Borden, Thos.	1		Brazoria	July 29, 1824
Bostwick, Caleb R.	1		Matagorda	July 24, 1824
Bowman, John T.	1		Matagorda	Aug. 21, 1824
Bradley, Edward R.	1		Brazoria	Aug. 10, 1824
Bradley, John	1		Brazoria	July 8, 1824
Bradley, Thomas		(Part	ner of S. T. Angier)	
Breen, Charles	1		Brazoria	May 24, 1824
Brias, Patrick	1		Harris	May 1, 1827
Bridges, Wm. B.	1		Jackson	July 21, 1824
Bright, David	1		Fort Bend	July 15, 1824
		1	Austin	July 15, 1824
Brinson, Enoch	1		Harris	Aug. 7, 1824
Brooks, Bluford	1		(Forfeited)	Aug. 10, 1824
Brotherington, Robt.		(Part	ner of Caleb R. Bost	wick)
Brown, George		(Part	ner of Charles Belkn	ap)
Brown, John	1		Harris	Aug. 19, 1824
		1	Waller	Aug. 19, 1824
Brown, William S.	1		Washington	July 29, 1824
Buckner, Aylett C.	1		Matagorda	July 24, 1824
Buckner, Aylett C.		2	Matagorda	Aug. 24, 1824
Burnet, Pumphrey	1		Matagorda	July 24, 1824

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Burnam, Jesse	1		Fayette	Aug. 16, 1824
		1	Colorado	Aug. 16, 1824
Byrd, Micajah	1		Washington	July 16, 1824
Calliham, Mosis A.	1		Harris	Aug. 3, 1824
Calvit, Alexr.	1		Brazoria	Aug. 3, 1824
		1	Waller	Aug. 3, 1824
		1	Brazoria	Aug. 3, 1824
Carpenter, David	1		Harris	Aug. 16, 1824
Carson, Wm. C.	1		Brazoria	May 15, 1827
Carter, Saml.	1		Brazoria	July 8, 1824
Cartwright, Jesse H.	1		Fort Bend	Mar. 31, 1828
		1	Lavaca	Mar. 31, 1828
Cartwright, Thomas	1		Colorado	Aug. 10, 1824
		1	Austin	Aug. 10, 1824
Castleman, Sylvenus	2		Wharton	July 7, 1824
	½		Fayette	July 7, 1824
		2	Austin	July 7, 1824
Chance, Samuel	1		Brazoria	July 27, 1824
Charles, Isaac N.	1		Brazoria	May 21, 1827
Chriesman, Horatio	1		Fort Bend	July 8, 1824
		2	Austin	July 8, 1824
Clarke, Antony R.		1	Brazoria	Aug. 24, 1824
Clark, John C.	1		Wharton	July 16, 1824
Coats, Merit M.	1		Waller	July 19, 1824
Coles, Jno. P.	7½		Burleson and Washington	Aug. 19, 1824
	½		Washington	Aug. 19, 1824
	½		Brazoria	Aug. 19, 1824
Cooke, Jno.	1	(Part	ner of Isaac Hughes)	
		1	Harris	Aug. 10, 1824
Cook, James	1		Colorado	Aug. 3, 1824
Cooper, William	1		Matagorda	July 24, 1824
Cooper, William	1½		Waller	Aug. 10, 1824
		2	Austin	Aug. 10, 1824
Crier, John	1		Matagorda	June 6, 1827

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Crownover, John	1		Wharton and Matagorda	Aug. 3, 1824
		1	Austin	Aug. 3, 1824
Cummings, James	1		Brazoria	Aug. 16, 1824
	5		(Forfeited)	Aug. 16, 1824
Cummings, John	1		Brazoria	July 21, 1824
Cummings, Rebecca	1		Brazoria	July 21, 1824
		2	Waller	July 21, 1824
Cummings, William	1		Brazoria	July 21, 1824
Cummins, James	1		Colorado	July 7, 1824
	5		Austin	July 7, 1824
		1	Colorado	July 7, 1824
Curtis, James, Sr.	1		Burleson	Aug. 3, 1824
Curtis, James, Jr.	1		Brazos	Aug. 19, 1824
Curtis, Hinton	1		Matagorda	Aug. 10, 1824
Davidson, Samuel	1		Brazos	July 21, 1824
Davis, Thomas	1		Austin	July 29, 1824
Deckrow, D.	1		Matagorda	July 24, 1824
Demos, Charles	1		Matagorda	Aug. 3, 1824
Demos, Peter	1		Matagorda	
Dewees, Wm. B.		(Partner of James Cook)		
Dickinson, John	1		Galveston and Harris	Aug. 19, 1824
Dillard, Nicholas	1		Brazoria	Aug. 16, 1824
Duke, Thomas M.	1		Matagorda	July 24, 1824
Duty, George	1		Fayette	July 19, 1824
Duty, Joseph	1		Colorado	July 19, 1824
Dyer, Clement C.	1		Colorado	Aug. 10, 1824
Dyer, Clement C.		1½	Waller	Aug. 24, 1824
Earle, Thos.	1		Harris	July 7, 1824
		1	Harris	July 7, 1824
Edwards, G. E.	1		Wharton	Aug. 19, 1824

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Elam, John	1		(Forfeited)	Aug. 7, 1824
Elder, Robert		1	Waller	Aug. 24, 1824
Falenash, Charles	1		Burleson	Aug. 19, 1824
Fenton, David	1		Matagorda	July 29, 1824
Fields, John F		1	Brazoria	Aug. 24, 1824
Fisher, James	1		Burleson	July 19, 1824
Fitzgerald, David	1		Fort Bend	July 10, 1824
Flanakin, Isaiah		2	Austin	July 19, 1824
Flowers, Elisha	1		Matagorda	July 19, 1824
		1	Colorado	July 19, 1824
Foster, Isaac	1		Matagorda	Aug. 10, 1824
Foster, John	2½		Fort Bend	July 15, 1824
		3	Fort Bend	July 15, 1824
Foster, Randolph	1		Waller and Fort Bend	July 16, 1824
Frazier, James	1		Austin and Fort Bend	July 24, 1824
Fulshear, Charles	1		Fort Bend	July 16, 1824
Garret, Charles	1		Brazoria	July 15, 1824
		1	Waller	July 15, 1824
Gates, Samuel	½		Washington	July 8, 1824
	½		Washington	July 8, 1824
Gates, William	1		Washington	July 16, 1824
	1		Washington	July 16, 1824
George, Freeman	1		Matagorda	July 7, 1824
		1	Waller	July 7, 1824
Gilbert, Preston	1		Colorado	June 4, 1827
Gilbert, Sarah	1		Wharton and Fort Bend	May 11, 1827
Gilleland, Daniel		1	Austin	Aug. 3, 1824
Gorbet, Chester S	1		Brazoria	July 19, 1824
Gouldrich, Michael		1	Galveston	Aug. 24, 1824

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Gray, Thos.	1		Brazoria	Aug. 16, 1824
		1	Colorado	Aug. 16, 1824
Groce, Jared E.	5		Brazoria	July 29, 1824
	2		Waller	July 29, 1824
	3		Grimes	July 29, 1824
Guthrie, Robert	1		Jackson	July 19, 1824
Haddan, John	1		Colorado	July 29, 1824
Hady, Samuel C.	1		Waller	Aug. 19, 1824
Hall, Geo. B.		(Partner of Samuel T. Angier.)		
Hall, John W.	2		Brazoria	July 10, 1824
		2	Waller	July 10, 1824
Hall, W. J.	1		Fort Bend	July 10, 1824
Hamilton, David	1		Wharton	May 9, 1827
Harris, Abner		(Partner of William Barat)		
Harris, David	1		Harris	Aug. 19, 1824
Harris, John R.	1		Harris	Aug. 16, 1824
Harris, William		(Partner of David Carpenter)		
Harris, William	1		Brazoria	July 10, 1824
Harris, William J.		1	Harris	July 21, 1824
Harrison, George	1		Brazoria	Aug. 16, 1824
Harvey, William	1		Austin	July 20, 1824
Haynes, Thomas S.	1		Brazos	Aug. 16, 1824
Hensley, James	1		Brazoria	Aug. 3, 1824
		1	Austin	Aug. 3, 1824
Hodge, Alexander	1		Fort Bend	April 12, 1828
Holland, Francis	1		Grimes	Aug. 10, 1824
Holland, William	1		Grimes	Aug. 10, 1824
Holliman, Kinchen	1		(Forfeited)	Aug. 10, 1824
Hope, James	1		Brazos	July 10, 1824
	¼		Brazos	July 10, 1824
		2		July 10, 1824
Hudson, C. S.	1		Wharton	July 29, 1824

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Huff, John	1		Wharton	July 10, 1824
Huff, George	1½		Wharton and Fort Bend	Aug. 19, 1824
Hughes, Isaac		(Part	ner John Cooke)	(Forfeited)
Hunter, Eli	1		Wharton	July 24, 1824
Hunter, Johnson	1		Harris	Aug. 10, 1824
Iiams, John	1		Chambers	Aug. 7, 1824
Ingram, Ira		1	Waller	Aug. 24, 1824
Ingram, Seth	2		Wharton	July 29, 1824
		1	Austin	July 29, 1824
Irons, John	1		Waller	July 16, 1824
Isaacks, Samuel	1		Fort Bend	July 15, 1824
Jackson, Alexander	2		Wharton	July 16, 1824
Jackson, Humphrey	1		Harris	Aug. 16, 1824
		1	Harris	Aug. 16, 1824
Jackson, Isaac	1		Grimes	Aug. 7, 1824
Jamison, Thomas	1		Matagorda and Brazoria	July 24, 1824
Johnson, Henry W		(Part	ner of Thos. H. Bord	en)
Jones, Henry	1		Fort Bend	July 8, 1824
Jones, J. W	1		Wharton	Aug. 10, 1824
		1	Fort Bend	Aug. 10, 1824
Jones, Oliver	1		Brazoria	Aug. 10, 1824
			Austin	Aug. 10, 1824
Jones, R	½		Wharton	July 15, 1824
Jones, R. (Cont'd.)	½		Fort Bend	July 15, 1824
		1	Fort Bend	July 15, 1824
Keep, Imla	1		Brazoria	July 24, 1824
Keller, John C	1		Matagorda	June 4, 1827
Kelly, John		2	Brazos	July 19, 1824
Kennedy, Sam'l	1		Fort Bend	July 7, 1824
		1	Austin	July 7, 1824

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Kennon, Alfred	1		Burleson	July 19, 1824
Kerr, James	1		Jackson	May 6, 1827
Kerr, Peter Kerr, William	1		Washington	Aug. 10, 1824
Kincheloe, William	1		Wharton	July 8, 1824
	1		Wharton	July 8, 1824
Kingston, William	1		Matagorda	May 8, 1827
Knight, James	1		Fort Bend	July 15, 1824
		1	Fort Bend	July 15, 1824
Kuykendall, Abner	1		Fort Bend	July 7, 1824
	½		Washington	July 7, 1824
		2	Austin	July 7, 1824
Kuykendall, Brazilla		1	Austin	Aug. 7, 1824
Kuykendall, Robert	1		Wharton	
	1		Wharton	
Kuykendall, Joseph	1		Fort Bend	July 8, 1824
League, Hosea H.	1		Matagorda	May 25, 1827
Leakey, Joel	1		Washington and Austin	May 28, 1827
Linsey, Benjamin	1		(Forfeited)	Aug. 19, 1824
Little, John	1		Austin	May 21, 1828
		1	Fort Bend	May 21, 1828
Little, William	1		Fort Bend	July 10, 1824
		1	Fort Bend	July 10, 1824
Long, Jane H.	1		Fort Bend	April 30, 1827
		1	Waller	May 1, 1827
Lynch, James	1		Washington	July 16, 1824
Lynch, Nathanael	1		Harris	Aug. 19, 1824
McCroskey, John	1		Brazoria	Aug. 16, 1824
		1	Austin	Aug. 16, 1824
McCormick, Arthur	1		Harris	Aug. 10, 1824
McCormick, David	1		Brazoria	July 21, 1824
McCormick, John		(Part	ner of James Frazier)	
McCoy, Thomas		(Part	ner of Daniel Deckrow)	

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
McFarlan, Aechilles	1		Brazoria	July 10, 1824
		1½	Waller	July 10, 1824
McFarlan, John	1¼		Waller	Aug. 10, 1824
		1	Waller	Aug. 10, 1824
McKenney, Thos. F.	1		Brazos	Aug. 16, 1824
McKinsey, Hugh	1		Wharton and Matagorda	Aug. 3, 1824
McClain, A. W. / McNair, James	1		Colorado	July 24, 1824
McNeel, Daniel	1		Brazoria	Aug. 3, 1824
McNeel, George W. / McNeel, John G.	½		Brazoria	Aug. 10, 1824
McNeel, John	1		Brazoria	Aug. 3, 1824
McNeel, Pleasant D.	1		Brazoria	Aug. 7, 1824
McNeel, Sterling	1		Brazoria	Aug. 19, 1824
McNutt, Elizabeth	1		Jackson	July 21, 1824
McWilliams, William	1		Burleson	July 19, 1824
Marsh, Shubael	1		Brazoria	July 8, 1824
Martin, Wily	1		Brazoria	July 29, 1824
Mathis, William	1		Brazos	July 19, 1824
Milburn, David H.		(Partner of Thomas Davis)		
Miller, Samuel	1		Washington	Aug. 19, 1824
Miller, Samuel R.	1		Washington	Aug. 19, 1824
Miller, Simon	1		Fort Bend	Aug. 7, 1824
Millican, James D.	1		Brazos	July 16, 1824
Millican, Robert	2½		Brazos	July 16, 1824
Millican, William	1		Brazos	July 16, 1824
Minus, Joseph	1		Brazoria	Aug. 19, 1824
Mitchell, Asa	1		Brazoria	Aug. 7, 1824
	½		Brazoria	Aug. 7, 1824
Mitchell, Asa		1	Brazoria	Aug. 24, 1824

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Monks, John L.	1		(Forfeited)	
Moore, John H.		(Partner of Thomas Gray)		
Moore, Luke	1		Harris	Aug. 3, 1824
Morrison, Moses		(Partner of William Cooper)		
Morton, William	1½		Fort Bend	July 15, 1824
		1	Fort Bend	July 15, 1824
Mouser, David	1		Waller	Aug. 19, 1824
Nelson, James	1		Colorado	Aug. 7, 1824
Newman, Joseph	1		Wharton	Aug. 10, 1824
		1	Austin	Aug. 10, 1824
Nuckols, M. B.	1		Matagorda and Brazoria	Aug. 3, 1824
		1	Brazoria	Aug. 3, 1824
Orrick, James		1	Austin	Aug. 10, 1824
Osborn, Nathan	1		Colorado	July 24, 1824
Parks, Wm. / Parker, Joshua	1		Wharton	July 24, 1824
Parker, William	1		Brazoria	July 8, 1824
		1	Waller	July 8, 1824
Pennington, Isaac	1		Fort Bend	Aug. 3, 1824
Pentecost, George S.	1		Matagorda	Aug. 19, 1824
Pettus, Freeman	1		Colorado and Fayette	Aug. 3, 1824
	1		Matagorda and Brazoria	Aug. 3, 1824
		1	Colorado	Aug. 3, 1824
Pettus, William	1		Wharton	July 10, 1824
	1		Fort Bend	July 10, 1824
		1	Waller	July 10, 1824
Petty, John	1		Fayette	Aug. 10, 1824
Peyton, J. C.	1		Matagorda	Aug. 25, 1827
Phelps, James A. E.	1		Brazoria	Aug. 16, 1824
		2	Brazoria	Aug. 16, 1824
Philips, I. B.	1		Wharton	May 9, 1827
Phillips, Zeno	1		Brazoria	July 19, 1824

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Picket, Pamelia	1		Matagorda	July 21, 1824
		1	Austin	July 21, 1824
Polley, Joseph H.		(Partner of Samuel Chance)		
Polley, Joseph H.	1		Fort Bend	Aug. 16, 1824
Powell, Peter		(Partner of William Kingston)		
Prater, William	1		Brazoria	July 19, 1824
		1	Austin	July 19, 1824
Pruitt, Pleasant	1		Matagorda	July 24, 1824
Pryor, William		1	Waller	Aug. 24, 1824
Rabb, Andrew	1½		Wharton	Aug. 10, 1824
Rabb, John	1		Fort Bend	July 8, 1824
		2	Austin	July 8, 1824
Rabb, Thomas J.	1		Wharton	July 24, 1824
Rabb, William	3		Fayette	July 19, 1824
	2		Matagorda	July 19, 1824
Rabb, William		2	Fayette	Aug. 24, 1824
Raleigh, William	1		Burleson	Aug. 16, 1824
Ramey, L.	1		Matagorda	May 23, 1827
Randon, David		(Partner of Isaac Pennington)		
Randon, John	1		Fort Bend	Aug. 19, 1824
Rankin, Frederic H.	1		Harris	July 7, 1824
		1	Harris	July 7, 1824
Rawls, Amos	1		Matagorda	July 24, 1824
Rawls, Benjamin	1		Matagorda	Aug. 3, 1824
Rawls, Daniel	1¼		Matagorda	July 24, 1824
Richardson, Stephen	1		Brazoria	July 10, 1824
Roark, Elijah	1		Fort Bend	July 10, 1824
		1	Waller	July 10, 1824
Robbins, Earle		1	Austin	July 19, 1824
Robbins, William	1		Brazoria	July 19, 1824
		1	Austin	July 19, 1824
Roberts, Andrew	1		Fort Bend	May 10, 1827

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Roberts, Noel F.	1¼		Fort Bend	July 15, 1824
Roberts, William	1		Brazoria	July 8, 1824
Robertson, Edward	1		Fort Bend	Mar. 31, 1828
Robinson, A.	1½		Brazoria	July 8, 1824
	½		Washington	July 8, 1824
		1	Waller	July 8, 1824
Robinson, Geo.	1		Brazoria	July 8, 1824
Ross, James	1		Colorado	July 19, 1824
San Pierre, Joseph		1	Fort Bend	Aug. 24, 1824
Scobey, Robert	1		Wharton	Aug. 3, 1824
Scott, James	1		Fort Bend	Aug. 7, 1824
Scott, Wm.	1		Harris	Aug. 19, 1824
	1		Harris	Aug. 19, 1824
		1	Harris	Aug. 19, 1824
Selkirk, William	1		Matagorda	Aug. 10, 1824
Shelby, David		(Part	ner of John McCormick)	
Shipman, Daniel		(Part	ner of Isaac N. Charles)	
Shipman, Moses	1		Fort Bend	July 19, 1824
		1	Austin	July 19, 1824
Sims, Bartlet	1		Wharton	Aug. 7, 1824
Singleton, G. W.	1		Wharton	May 14, 1827
Singleton, Phillip	1		Burleson and Washington	Aug. 19, 1824
Smith, Christian	1		Harris and Chambers	July 19, 1824
Smith, Cornelius	1		Brazoria	Aug. 10, 1824
Smith, John		(Part	ner of Hugh McKinsey)	
Smeathers, William	1		Austin	July 16, 1824
Snider, Gabriel S.	1		Colorado	Aug. 7, 1824
Sojourner, Albert L.		(Part	ner of Pumphrey Bur	net)
Spencer, Nancy	1		Fort Bend	Aug. 19, 1824
Stafford, Adam		1	Waller	Aug. 24, 1824

NAME	AMOUNT		LOCATION (Present County)	Date of Title
	Sitios	Labors		
Stafford, William	1½	1	Fort Bend Waller	Aug. 16, 1824
Stevens, Thomas	1		Waller	Aug. 7, 1824
Stout, Owen H		(Partner of Benjamin Rawls)		
Strange, James		1	Harris	Aug. 24, 1824
Sutherland, Walter	1		Brazos	Aug. 10, 1824
Tally, David	1	1	Brazoria Austin	Aug. 16, 1824 Aug. 16, 1824
Taylor, John I	1		Harris	Aug. 10, 1824
Teel, George	1		Fort Bend	Aug. 3, 1824
Thomas, Ezekiel	1		Harris	Aug. 19, 1824
Thomas, Jacob		1	Waller	Aug. 24, 1824
Thompson, Jesse	1		Brazoria	Aug. 7, 1824
Tone, Thomas J		(Partner of Thomas Jamison)		
Tong, James F	1		Brazoria	Aug. 19, 1824
Toy, Samuel	1		Austin	May 7, 1827
Trobough, John	(Partner of Patrick Brias)			
Tumlinson, Elizabeth	1	1	Colorado Colorado	Aug. 16, 1824 Aug. 16, 1824
Tumlinson, James	1 ½	1	Colorado Wharton Colorado	Aug. 19, 1824 Aug. 19, 1824 Aug. 19, 1824
Vandorn, Isaac		(Partner of Daniel E. Bayliss)		
Varner, Martin	1	1	Brazoria Waller	July 8, 1824 July 8, 1824
Vince, Allen		(Partner of M. A. Callihan)		
Vince, Richard Vince, Robt.	1		Harris	Aug. 21, 1824
Vince, Wm	1		Harris	July 21, 1824
Walker, James	1		Washington	July 21, 1824
Walker, Thomas		(Partner of Thomas H. Borden)		
Wallice, Caleb	1		Grimes	May 14, 1828

NAME	AMOUNT Sitios	AMOUNT Labors	LOCATION (Present County)	Date of Title
Wells, Francis F.	1		Jackson	July 21, 1824
		1	Brazoria	July 21, 1824
Westall, Thomas	1		Wharton	July 19, 1824
	1		Fort Bend	July 19, 1824
		2	Austin	July 19, 1824
White, Amy	1		Harris	Aug. 16, 1824
White, Joseph	1		Brazoria	Aug. 16, 1824
White, Reuben	1		Harris	Aug. 19, 1824
White, Walter C.		(Partner of James Knight)		
White, William C.	1		Austin	Aug. 19, 1824
Whitesides, Boland Whitesides, Henry	1		Brazos and Grimes.	Aug. 10, 1824
Whitesides, James	1		Grimes and Brazos.	July 16, 1824
		1	Waller	July 16, 1824
Whitesides, William	1		Waller	July 19, 1824
Whiting, Nathl.		(Partner of Nathan Osborn)		
Whitlock, William	1		Harris	Aug. 16, 1824
Wightman, Elias D.	1		Matagorda	May 25, 1827
Wilkins, Jane	1		Fort Bend	May 26, 1827
Williams, George I.	1		Matagorda	Aug. 19, 1824
Williams, Henry		(Partner of John J. Bowman)		
Williams, John		(Partner of Mills M. Battle)		
Williams, John		1	Waller	Aug. 24, 1824
Williams, John R.	1		(Forfeited)	July 29, 1824
		1	(Forfeited)	July 29, 1824
Williams, Robt. H.	1		Matagorda	Aug. 19, 1824
Williams, Samuel M.	1		Brazoria	Aug. 10, 1824
	1		Brazoria	Aug. 10, 1824
		1	Waller	Aug. 10, 1824
		1	Austin	Aug. 10, 1824
		1	Brazoria	Aug. 10, 1824
Williams, Solomon	1		Matagorda	Aug. 7, 1824
		1	Waller	Aug. 7, 1824
Williams, Thomas	1		Matagorda	Aug. 16, 1824
Woods, Zadock	1		Matagorda	May 15, 1827

§ 4.

THE LAW OF APRIL 6, 1830.

Art. 1. Cotton goods excluded in the law of May 22, 1829, may be introduced through the ports of the Republic until January 1, 1831, and through the ports of the South Sea until June 30, 1831.

Art. 2. The duties received on the above-mentioned goods shall be used to maintain the integrity of Mexican territory, to form a reserve fund against the event of Spanish invasion, and to promote the development of national industries in the branch of cotton manufactures.

Art. 3. The government is authorized to name one or more commissioners who shall visit the colonies of the frontier states and contract with the legislatures of said states for the purchase, in behalf of the federal government, of lands deemed suitable for the establishment of colonies of Mexicans and other nationalities; and the said commissioners shall make with the existing colonies whatever arrangement seems expedient for the security of the Republic. The said commissioners shall supervise the introduction of new colonists and the fulfilling of their contracts for settlement, and shall ascertain to what extent the existing contracts have been completed.

Art. 4. The chief executive is authorized to take such lands as are deemed suitable for fortifications or arsenals, and for the new colonies, indemnifying the states for the same, in proportion to their assessments due the federal government.

Art. 5. The government is authorized to transport the convict-soldiers destined for Vera Cruz and other

parts of the colonies, there to establish them as is deemed fit; the government will furnish free transportation to the families of the soldiers, should they desire to go.

Art. 6. The convict-soldiers shall be employed in constructing the fortifications, public works and roads which the commissioners may deem necessary, and when the time of their imprisonment is terminated, if they should desire to remain as colonists, they shall be given lands and agricultural implements and their provision shall be continued through the first year of their colonization.

Art. 7. Mexican families who voluntarily express the desire to become colonists will be furnished transportation, maintained for one year, and assigned the best of agricultural lands.

Art. 8. All the individuals above mentioned shall be subject to both the federal and state colonization laws.

Art. 9. The introduction of foreigners across the northern frontier is prohibited under any pretext whatever, unless the said foreigners are provided with a passport issued by the agents of this Republic at the point whence the said foreigners set out.

Art. 10. No change shall be made with respect to the slaves now in the states, but the federal government and the government of each state shall most strictly enforce the colonization laws and prevent the further introduction of slaves.

Art. 11. In accordance with the right reserved by the general congress in the seventh article of the Law of August 18, 1824, it is prohibited that emigrants from nations bordering on this Republic shall settle in

the states or territories adjacent to their own nation. Consequently, all contracts not already completed and not in harmony with this law are suspended.

Art. 12. Coastwise trade shall be free to all foreigners for the term of four years, with the object of turning colonial trade to the ports of Matamoros, Tampico and Vera Cruz.

Art. 13. Frame houses and all classes of foreign food products may be introduced through the ports of Galveston and Matagorda, free of duty, for a period of two years.

Art. 14. The government is authorized to expend five hundred thousand dollars (pesos) in the construction of fortifications and settlements on the frontier, in the transportation of the convict-soldiers and Mexican families of same, and their maintenance for one year, on agricultural implements, on expenses of the commissioners, on the transportation of troops, on premiums to such farmers among the colonists as may distinguish themselves in agriculture, and on all the other expediments conducive to progress and security as set forth in the foregoing articles.

Art. 15. To obtain at once one-half of the above sum the government is authorized to negotiate a loan on the customs proceeds which will be derived from the ordinary classes of cotton goods, said loan to pay a premium of three per cent monthly, payable at the expiration of the periods fixed in the tariff's schedule.

Art. 16. One-twentieth of the said customs receipts shall be used in the promotion of cotton manufactures, such as in the purchase of machines and looms, small sums being set aside for the installing of the machinery,

and any other purpose that the government shall deem necessary; the government shall apportion these funds to the states having this form of industry. The said funds shall be under the control of the Minister of Relations for the purpose of promoting industries of such importance.

Art. 17. Also three hundred thousand dollars (pesos) of the above mentioned customs receipts shall be set aside as a reserve fund on deposit in the treasury, under the strict responsibility of the government, which shall have power to use the same only in case of a Spanish invasion.

Art. 18.—The government shall regulate the establishment of the new colonies, and shall present to Congress within a year a record of the emigrants and immigrants established under the law, with an estimate of the increase of population on the frontier.